(29,345)

(29,346)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1922.

No. 795.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA, APPELLANTS,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA.

No. 796.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA, APPELLANTS,

vs.

WILLIE A. LYONS.

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Court of Appeals, District of Columbia, January Term, 1923.

No. 3939.

JESSIE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appellants,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation.

Appeal from the Supreme Court of the District of Columbia.

Filed January 10, 1923.

2 Court of Appeals of the District of Columbia, January Term 1923.

No. 3939.

JESSIE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appellants,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Appellee.

Appeal from the Supreme Court of the District of Columbia.

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3 Supreme Court of the District of Columbia.

In Equity.

No. 37888.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Plaintiff,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOSEPH A. BERBERICH, Constituting the Minimum Wage Board of the District of Columbia, Defendants.

UNITED STATES OF AMERICA,
District of Columbia, ss:

Be it remembered, That in the Supreme Court of the District of Columbia, at the City of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above-entitled cause, to wit:

4 *Bill for Injunction.*

Filed May 19, 1920.

In the Supreme Court of the District of Columbia.

In Equity.

No. 37888.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Plaintiff,

vs.

JESSIE C. ADKINS, ETHEL M. SMITH, JOSEPH A. BERBERICH, Constituting the Minimum Wage Board of the District of Columbia, Defendants.

To the Supreme Court of the District of Columbia:

The Plaintiff states as follows:

I. The Plaintiff is a corporation organized and existing under the laws of the District of Columbia, and brings this suit in its own right.

II. Defendants are citizens of the United States and residents of the District of Columbia, and are members of the Minimum Wage Board of the District of Columbia, and are sued as such members.

III. That the Plaintiff is engaged in conducting and maintaining a hospital for children in the District of Columbia. That it employs a large number of women over 18 years of age, both white and colored, in and about the work of conducting said hospital, including superintendent, assistant superintendent, washerwomen, scrubwomen, attendants, and others; that in the exercise of its right to make contracts satisfactory to the parties to such contracts, it has agreed with said employees as to the rates of wages and compensation for their services and that said rates of wages and compensation are satisfactory to such employees.

IV. That heretofore on September 19, 1918, the Congress of the United States passed an Act entitled, "An Act to protect the lives and health and morals of women and minor workers in the District of Columbia and to establish a Minimum Wage Board, and to define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes." Said Act created a Board to be known as the Minimum Wage Board of the District of Columbia. Pursuant to the supposed authority vested in them by the said Act, the Commissioners of the District of Columbia appointed as members of the said Board, Jesse C. Adkins, Ethel M. Smith and Joseph A. Berberich, the defendants named herein, who assumed to enter upon the discharge of their duties as such Board.

V. That on June 13, 1919, pursuant to the supposed authority vested in them by the said Act, the Minimum Wage Board issued the following order:

"M. W. B. Order No. 4.
Hotel, Restaurant
and allied industries

District of Columbia,
Minimum Wage Board,
502 District Building.

Washington, D. C., March 26, 1920.

To Whom it may Concern:

Take Notice: That pursuant to the authority in it vested by the Act of Congress known as the District of Columbia Minimum Wage Law (Public numbered 215, 65th Congress) and after public hearing duly held in Washington, D. C., on Monday, March 22, 1920, The Minimum Wage Board of the District of Columbia does hereby order that:

1. No person, firm, association, or corporation shall employ a woman or minor girl in any hotel, lodging house, apartment house, club, restaurant, cafeteria, or other place where food is sold to be consumed on the premises or in any hospital, at a rate of wages of less than 34½ cents per hour, $16.50 per week, or $71.50 per month. This shall not be construed to include nurses in training.

2. When bona fide meals are furnished by the employer to any woman or minor girl employed in the establishments named in Section 1 of this order as part payment of the wages of such employee, not more than 30 cents per meal may be deducted by such employer from the weekly wage of such employee. A record shall be kept of the number of meals furnished each woman and minor girl per week and of the deductions made from the weekly wage for the same; otherwise the full minimum wage rate shall be paid in cash.

3. When lodging is furnished by the employer to any woman or minor girl employed in the establishments named in Section 1 of this order as part payment of the wages of such employee, not more than $2.00 per week shall be deducted by such employer from the weekly wage of such employee.

4. Tips and gratuities shall not be construed as part of the legal minimum wage.

This order shall become effective sixty (60) days from date hereof.

MINIMUM WAGE BOARD OF THE
DISTRICT OF COLUMBIA,
JESSE C. ADKINS,
Chairman;
ETHEL M. SMITH,
JOSEPH A. BERBERICH.

Attest:
CLARA MORTENSEN,
Secretary.

6 Notice: This order will become effective May 26, 1920.

Your attention is respectfully called to the following sections of Public numbered 215, 65th Congress:

Whoever violates this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than $25 nor more than $100, or by imprisonment not less than ten days nor more than three months, or by both such fine and imprisonment. (Section 18.)

Every employer affected by this order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers are employed. (Section 12.)"

VI. That Plaintiff is now engaged in conducting said hospital for children and is desirous of continuing the same; that in the work in which it is engaged, it is desirable and necessary to employ women workers over 18 years of age, and Plaintiff now employs a number of such women, both white and colored. Some of the said women workers so employed by the Plaintiff are paid higher rates of pay than that fixed by said order of the Minimum Wage Board of the District of Columbia, but that a large number of the women so employed in and about the work of conducting the said hospital as Washerwomen, and other help, are paid less than the wages so

fixed in said order, such wages being paid pursuant to an agreement with each employee which is satisfactory to the parties to the agreement, and Plaintiff desires and intends to continue to employ women workers under agreements mutually satisfactory, if permitted to do so.

VII. That said defendants, as the Minimum Wage Board of the District of Columbia, are by said statute directed, and they threaten to and each of them threatens to, and will, unless restrained by this Court, cause Plaintiff to be prosecuted for violating the said order by employing women over 18 years of age in its said hospital at less than $16.50 per week. That Plaintiff employs and will, if permitted, continue to employ in the conduct of the said hospital a large number of women over 18 years of age in its said hospital for a less wage than $16.50 per week, and so doing will constitute a distinct and separate offense each day for each person so employed if defendants are permitted to enforce or attempt to enforce said order, and Plaintiff will be subjected to a multitude of criminal prosecutions and the work conducted at said hospital will be seriously interfered with before it can secure a judicial construction of said statute and order.

And this plaintiff avers that said Act of said Congress is not a law in the said District of Columbia, but is void and of no effect, because it is repugnant to and in violation of the Constitution of the United States, in that:

(1) It deprives Plaintiff of its property and its liberty without due or any process of law.

(2) It denies to Plaintiff the equal protection of the law.

(3) It provides for the taking of the property of this Plaintiff without just or any compensation.

7 (4) Said Act denies to and deprives Plaintiff of the right to have the reasonableness of said order judicially reviewed and determined.

And plaintiff avers that the lowest wage it pays to any woman over 18 years of age not an apprentice employed in its hospital is $22.50 per month and board, and plaintiff further alleges that if said order of said Board shall be enforced it will seriously hamper, if not prevent, carrying on and conducting the said hospital, for plaintiff avers that it cannot pay the wages by said order required or directed and still conduct its said hospital as now conducted, within its income, and, therefore, plaintiff avers that enforcement of said order will confiscate plaintiff's said property.

And plaintiff further avers that it is necessary in the conduct of its said business that it be permitted to use its judgment in securing employees for certain of the work necessary to be done at said hospital, at such wages as may be agreed to between the parties, and that as to all the women so employed by the plaintiff at its said hospital it has agreed to pay wages and compensation that are fair and just and that were and still are satisfactory to said employees and

each of them. That the said women employed by it are not all equally efficient or capable of doing the same amount of work, but their ability in this respect varies; that the hours of work are not uniform and many of said women work not over six hours per day; that the character of the work of said women varies and each of said women so employed is engaged in that character of work which plaintiff believes, and so avers, is best suited to her capabilities and desires, and that these facts and circumstances as to the character of the work and the capabilities of the workers were taken into consideration by plaintiff in employing said women and in agreeing with them and each of them, as to the amount of pay and other compensation fixed for their services; and plaintiff is advised and believes, and therefore avers, that each of said women with whom such contracts of employment were so made, was of full age and under no legal disability, or in any way disqualified to agree as to the amount of money that she should charge for her services, and was in all respects as free to contract as are adult men; and plaintiff believes and avers that the agreements for wages made with said women were made voluntarily and not under any compulsion or duress of any kind, but in the exercise by said employees and this plaintiff of their rights to freedom of contract. And plaintiff further avers that the said statute of September 19, 1918, and the said order made under color thereof, unduly restrain plaintiff and its said employees in the exercise of their right of freedom of contract, in contravention of the Constitution of the United States, and particularly the fifth amendment thereof, which forbids the deprivation of life, liberty and property without due process of law.

VIII. Plaintiff avers that there has been invested in said hospital for children a large amount of money, to wit, over $463,000.00, and much time has been devoted to the work of building up and establishing the same, so that the reputation and good-will thereof is now of great value, but the exact amount of value thereof plaintiff is unable to state, but it alleges that if said order shall be en-
8 forced it will be compelled to curtail and hamper its said work if not to abandon said hospital for children without any compensation therefor, and therefore the plaintiff further avers that said order is in violation of its rights under the Constitution of the United States.

IX. That the wages of certain of the women over 18 years of age employed by plaintiff in its hospital for children is from $22.50 to $35.00 per month in addition to board, and many of the more skillful earn $75 per month, in addition to board; that a wage of $22.50 to $35.00 per month (and board) to women to whom the same is paid, is not unreasonably low, but is adequate compensation for services rendered. That said women employed in said hospital for children who receive less than $16.50 per week are incompetent by reason of age, inability or otherwise to earn more. That many of said women have other sources of income and are living with parents or relatives and desire and expect to earn only a portion of their support, and if plaintiff is to be compelled to pay to each of these

women a wage of not less than that fixed for it by said Minimum Wage Board, it will be compelled to discontinue said hospital along the lines the same is now conducted, since it could not be conducted on its income. In any case the plaintiff will be necessarily restricted to the employment only of women who are capable of performing labor sufficient to earn the said sum of $16.50 per week or more, and said less competent employees will be prevented from laboring for this plaintiff. Plaintiff further avers that it is now employing men at wages less than those fixed for adult women in said order of said Minimum Wage Board, and if plaintiff is to be compelled to pay to all women employees over 18 years of age, experienced or otherwise, the said sums fixed by said Board, it will of necessity be required to pay the said men now in its employ at least $16.50 per week, for this plaintiff avers that the men now in its employ would refuse to perform the work now performed by them, which is substantially similar to that performed by some of its said women employees, at a less wage per week than that paid to said women in the same kind of employment. Plaintiff, therefore, avers that it will be compelled to discontinue to employ many of said men employed by it, or also to pay to them at least $16.50 per week, which would entail such a great expense that it would be impossible to conduct said hospital for children within its income. Plaintiff further avers that the work of the said women employees in its said hospital for children is light and healthful, physically, and the moral surroundings are good, and that said women now employed as aforesaid, who are earnings less than $16.50 per week are willing to work for plaintiff at said labor for the wages now paid, and they do not nor do any of them earn any greater wages than they are paid, and the plaintiff cannot conduct its said hospital for children within its income and pay said less competent women $16.50 per week, or any greater sum or wages than it is now paying them.

Plaintiff further avers that it is a charitable corporation, and that in caring for the children of the District of Columbia in its said hospital it is filling a long-felt need in said District. Plaintiff
9 further avers that it has no means of obtaining money with which to conduct its said hospital except from voluntary subscriptions and from the payments by parents and guardians or others for patients who are received for pay, and many of the patients treated in said hospital are cared for without any remuneration whatsoever. Plaintiff avers, therefore, that to be compelled to pay the said wage fixed by said Board to all of its said employees would so increase its cost of operation that it could not attempt to conduct its said hospital within its income, with the result that the many poor children whose parents are unable to provide medical treatment for them will be without any place where the same may be obtained.

X. That plaintiff has no plain, adequate and complete remedy at law and unless said order shall be annulled and the defendants and each of them restrained from attempting to enforce said statute and order, defendants will cause a large number of criminal prosecutions to be institute against this plaintiff and will injure and de-

stroy the plaintiff's said business by enforcing or attempting to enforce the same, thereby entailing upon the plaintiff great and irreparable loss, injury and damage.

Wherefore, the premises considered, the plaintiff prays:

First. That the Court may cause its writ of subpœna to be issued directed to the defendants and each of them, commanding them and each of them to appear and answer the exigencies of this bill.

Second. That the said defendants and each of them and their successors in office may be enjoined and restrained, both pending this suit and permanently at the final hearing thereof from enforcing or attempting to enforce the said order above set out and any other order which it has issued or may hereafter issue.

Third. That this Honorable Court issue a decree vacating and annulling said statute and order.

Fourth. And for such other and further relief as to the Court may seem proper.

THE CHILDREN'S HOSPITAL OF
THE DISTRICT OF COLUMBIA,
By SAMUEL S. ADAMS,
Secretary.

CHALLEN B. ELLIS,
Attorney for Plaintiff.

DISTRICT OF COLUMBIA, *To wit:*

Samuel S. Adams, being first duly sworn, deposes and says that he is Secretary of The Children's Hosiptal of the District of Columbia, the corporation named as plaintiff in the foregoing bill by him subscribed; that he is authorized to make this affidavit; that the matters and things therein stated of his personal knowledge are true, and those stated upon information and belief he believes to be true.

SAMUEL S. ADAMS.

10 Subscribed and sworn to before me, this 18th day of May, 1920.

FRANCIS C. WEBB,
Notary Public.

[SEAL.]

Com. Expires May 1, 1921.

Rule to Show Cause.

Filed May 19, 1920.

* * * * * * *

Upon consideration of the bill of complaint filed herein it is this 19th day of May, 1920, ordered that the defendants, Jesse C. Adkins, Ethel M. Smith and Joseph A. Berberich, members of the Minimum

Wage Board of [illegible] of Columbia, show cause, if any they have, on or before 10:00 o'clock a. m. on Tuesday next, May 25th, 1920, why they should not be enjoined and restrained, as prayed in said bill of complaint, provided that a copy of this rule be served upon said defendants on or before Thursday, May 20, 1920.

JENNINGS BAILEY,
Justice.

Marshal's Return.

Served a copy of the within rule on Jesse C. Adkins, Ethel M. Smith & Joseph A. Berberich each personally.
May 9th, 1920.

MAURICE SPLAIN,
U. S. Marshal.

K.

Answer to Rule to Show Cause.

Filed May 25, 1920.

* * * * * * *

Now come the respondents, Jesse C. Adkins, Ethel M. Smith and Joseph A. Berberich, constituting the Minimum Wage Board of the District of Columbia, the defendants herein, and for answer to the rule to show cause in this case, show to the Court as follows:

1 and 2. The defendants admit the allegations in paragraphs 1 and 2 in said petition for the purpose of the said rule, except they say that the defendant Adkins is a resident of the state of Maryland.

3. Answering paragraph 3 for the purpose of said rule these defendants admit the allegations in respect to the conduct of the hospital for children by the plaintiff and as to the officers and employees thereof, but defendants say that the allegations in said paragraph, that the rates of wages and compensation are satisfactory to such employees, is immaterial, but if the Court should deem the same material, they ask for strict proof thereof.

11 4. Defendants admit the allegations of paragraph four for the purpose of the said rule.

5. Defendants admit paragraph five, except they say the order was issued on March 26, 1920.

6. Defendants admit the allegations of paragraph six except as to averment that the wages paid to employees are satisfactory to such employees, which allegation defendants believe to be immaterial, but if the Court should deem the same material, they ask for strict proof thereof.

7*a*. Answering paragraph 7*a* for the purpose of the said rule, defendants admit that under the law it will become their duty to ask

for prosecution against the plaintiff if the latter violates the orders and regulations passed by the Minimum Wage Board. Defendants are not advised to what extent, if at all, the work of the said plaintiff will be seriously interfered with by such prosecutions, or as a result of such prosecutions, but submits that an earnest effort on the part of the plaintiff should be made to comply with the law and regulations of the Board before seeking to overturn the law as unconstitutional.

b. Answering paragraph 7*b*, defendants are advised that this sets forth matters of law which require no answer,—they aver, however, that the law is constitutional, and valid.

c. Answering paragraph 7*c*, defendants say they are not advised in what manner or to what extent the work of the plaintiff will be hampered by an observance of the law and regulations, but submit again that some earnest effort should be made by the plaintiff in the rearrangement of wages paid the number of employees employed, and other matters, in an attempt to comply with the law. They deny that said order will work a confiscation of people's property.

d. Further answering said paragraph, defendants say that the same consists largely of matters of argument which defendants are not required to answer here. The order of this Board fixes an hourly rate of 34½ cents. Part time workers may be paid on this basis; that the other matters set forth in said paragraph are matters of opinion and law which defendants are advised need not be answered here.

8. Answering paragraph 8 for the purpose of the said rule, defendants say they are not advised as to the amount of money invested in said hospital and believe the same to be immaterial. Further said Board is not advised to what extent, if at all, the work of said hospital in caring for children without compensation, will be hampered, but say that such averments are immaterial, or if material, ask for strict proof thereof.

9. Answering paragraph 9 for the purpose of the said rule, defendants admit the allegations as to the amount of wages paid, but aver that they are unreasonably low and in contravention of the orders of this Board. Further, defendants say that if any of the employees are incapacitated by reason of age, inability or otherwise, to earn the minimum wage of $16.50 a week as prescribed by the Board, the plaintiff hospital was at liberty to apply to this Board for a special license as provided in section 13 of the Act which follows:

12 "That for any occupation in which only a minimum time-rate wage has been established, the Board may issue to a woman whose earning capacity has been impaired by age or otherwise, a special license authorizing her employment at such wage less than such minimum time-rate wage as shall be fixed by the Board and stated in the license."

but defendants say no special application has been made to them for any such special license nor any facts presented to them why a special license or licenses should be granted. Further answering said paragraph, these defendants say that the other matters and things therein set forth are matters of opinion and argument that are mere conjecture and need not be answered here.

Defendants are advised that, unless a woman's earning capacity be impaired, it is not material whether or not the employer deems her labor to be worth the amount fixed in such order. The purpose of the statute is to provide at least a living wage for every normal woman who is employed. If the employer does not consider the employee worth such a wage he need not employ her. Defendants deny that plaintiff cannot conduct its hospital for children and pay the minimum wages provided for in said order.

Defendants admit that plaintiff is a charitable corporation and in caring for the children of the District of Columbia it is filling a long-felt need in the District. Defendants aver that some of the plaintiff's patients pay ample charges for what they receive. Defendants also aver that the plaintiff will benefit in the long run from the operation of the Minimum Wage Law. The effect of the said law will be to decrease poverty and sickness, and to greatly lessen the need for plaintiff's hospital, and particularly free treatment by it.

Defendants aver that there are many women who are compelled to support themselves, have no other sources of income, and do not live with their parents or relatives, and are compelled entirely to support themselves and frequently to contribute to the support of others.

10. Answering paragraph ten, these defendants say that the order complained of by the plaintiff set forth in paragraph five of the said petition was promulgated upon the 26th day of March, 1920; that under section 17 of the law the plaintiff hospital had the right, and it was its duty, if injured by the ruling of the Board, to appeal from the ruling of the Board to the Supreme Court of the District of Columbia, from which an appeal would likewise go to the Court of Appeals of the District, but the said hospital has taken no appeal upon the decision of the Board to the said Supreme Court.

11. Further answering the said petition for the purpose of said rule, these defendants say that there are no matters of fact or law set forth in said petition which entitle it to relief in Court of Equity, or to a restraining order or injunction from such Court.

They therefore pray that said rule be discharged and the petition herein dismissed.

JESSE C. ADKINS,
____ ____,
____ ____,
Minimum Wage Board of the District of Columbia.

13 DISTRICT OF COLUMBIA, *ss:*

We, Jesse C. Adkins, Ethel M. Smith and Joseph A. Berberich, being duly sworn, depose and say that we constitute the Minimum

Wage Board of the District of Columbia; that we have read the answer by us subscribed as such Board and know the contents thereof; and that the matters and things therein set forth upon our personal knowledge are true, and those stated upon information and belief we believe to be true.

JESSE C. ADKINS,
____ ____,
____ ____,
Minimum Wage Board of the District of Columbia.

Subscribed and sworn to before me this 25" day of May, 1920.
MORGAN H. BEACH,
Cl'k,
By F. E. CUNNINGHAM,
Ass't Cl'k.

Motion to Dismiss Bill.

Filed May 25, 1920.

* * * * * * *

Now come the defendants by their attorney and move the Court to dismiss the bill in the above entitled cause, for that there are no matters and things either of fact or of law set forth therein, to entitle it to equitable relief.

F. H. STEPHENS,
Attorney for Defendants.

Opinion of the Court.

Filed June 22, 1920.

* * * * * * *

Being of the opinion that the Minimum Wage act is constitutional the motion to dismiss the bill will be sustained.

As to the application for an injunction the bill in this case is based upon the contention that the Minimum Wage act is unconstitutional and that the Minimum Wage Board has no power to fix a minimum wage. In the case of Wadley Southern Railway Co. v. Georgia, 235 U. S., 651, at page 662, in referring to the cases in which injunctions were granted and speaking of the validity of legislative rates, Mr. Justice Lamar said:

"Their legality is not apparent on the face of such orders but depends upon a showing of extrinsic facts."

14 In addition, the rules of this court do not provide for the granting, by this court, of an injunction pending appeal, except where an injunction pendente lite has already issued.

It results therefore that the application for an injunction pendente lite will be denied; the rule discharged; and the bill dismissed.

JENNINGS BAILEY,
Justice.

Decree Discharging Rule, &c.

Filed June 25, 1920.

* * * * * * *

This cause having come on for hearing on the original bill filed herein and the rule to show cause why a preliminary injunction should not issue, the answer to said rule and the motion of the defendants to dismiss the petition and discharge the rule, and having been argued by counsel and considered by the Court—

It is this 25th day of June, 1920, adjudged, ordered and decreed that the rule to show cause be discharged and the application for a preliminary injunction be, and the same hereby is, denied.

It is also adjudged, ordered and decreed that the bill filed herein be, and the same hereby is dismissed, at the cost of the plaintiff.

JENNINGS BAILEY,
Associate Justice.

From the above decree the plaintiff notes an appeal in open court; and the bond on such appeal is hereby fixed at one hundred dollars, ($100.00).

JENNINGS BAILEY,
Associate Justice.

Form O. K.
C. B. ELLIS.

15 *Mandate.*

Filed December 15, 1922.

UNITED STATES OF AMERICA, *ss:*

[SEAL.]

The President of the United States of America to the Honorable the Justices of the Supreme Court of the District of Columbia, Greeting:

Whereas, lately in the Supreme Court of the District of Columbia, before you, or some of you, in a cause between The Children's Hospital of the District of Columbia, a Corporation, plaintiff, and Jesse C. Adkins, Ethel M. Smith, Joseph A. Berberich, constituting the Minimum Wage Board of the District of Columbia, defendants, Equity No. 37,888, wherein the decree of the said Supreme Court entered in said cause on the 25th day of June A. D. 1920, is in the following words, viz:

This cause having come on for hearing on the original bill filed herein and the rule to show cause why a preliminary injunction should not issue, the answer to said rule and the motion of the defendants to dismiss the petition and discharge the rule, and having been argued by counsel and considered by the Court——

It is this 25th day of June, 1920, adjudged, ordered and decreed that the rule to show cause be discharged and the application for a preliminary injunction be, and the same hereby is, denied.

It is also adjudged, ordered and decreed that the bill filed herein be, and the same hereby is dismissed, at the cost of the plaintiff.

JENNINGS BAILEY,
Associate Justice.

as by the inspection of the transcript of the record of the said Supreme Court, which was brought into the Court of Appeals
16 of the District of Columbia by virtue of an appeal, agreeably to the act of Congress in such case made and provided, fully and at large appears.

And, whereas at the term of January A. D. 1921, of the said Court of Appeals, the retirement of Joseph A. Berberich, and the appointment of John J. Newbold as his successor as a member of the Minimum Wage Board of the District of Columbia having been suggested, It was ordered that the said John J. Newbold as a member of the Minimum Wage Board be made a party appellee.

And Whereas, in the present term of October, in the year of our Lord one thousand nine hundred and twenty-two, the said cause came on to be heard before the said Court of Appeals on the said transcript of record, and was argued by counsel:

On consideration Whereof, It is now here ordered adjudged and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, reversed with costs, and that the said plaintiff, The Children's Hospital of the District of Columbia, a corporation, recover against the said appellees Fifty dollars and forty cents for its costs herein expended and have execution therefor.

And it is further ordered that this cause be and the same is hereby remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

November 6, 1922.

You, therefore, are hereby commanded that such execution and further proceedings be had in said cause in conformity with the opinion and decree of this court as according to right justice
17 and the laws of the United States ought to be had, the said appeal notwithstanding.

Witness the Honorable Constantine J. Smyth, Chief Justice of said Court of Appeals, the 15th day of December in the year of our Lord one thousand nine hundred and twenty-two.

Costs of Plaintiff.

HENRY W. HODGES,
Clerk of the Court of Appeals
of the District of Columbia.

Clerk	$18.40
Attorney	5.00
Printing Record	27.00
	$50.40

Decree.

Filed December 20, 1922.

This cause came on to be heard at this term pursuant to the mandate of the Court of Appeals of the District of Columbia heretofore filed herein, and upon consideration of the bill of complaint, answer to rule to show cause and other pleadings, and motion to dismiss the bill of complaint, the parties not desiring to plead further or to adduce facts or evidence and the matter having been presented to the Court by counsel for both parties and considered by the Court, it is this 20th day of December, 1922, adjudged, ordered and decreed as follows:

1. That the Act of Congress, entitled, "And Act to protect the lives and health and morals of women and minor workers in the District of Columbia and to establish a Minimum Wage Board, and to define its powers and duties, and to provide for the fixing of mini-
18 mum wages for such workers, and for other purposes," known and designated as the Minimum Wage Law of the District of Columbia, is invalid because in conflict with the Constitution of the United States and the amendments thereto.

2. That the defendants, and each of them, and their successors in office, be and they are hereby permanently enjoined from enforcing or attempting to enforce against the plaintiff its Order No. 4 dated March 26, 1920, with respect to minimum wages for women employes in hotel, restaurant and allied industries, or any other order which it has issued or may hereafter issue, and from prosecuting the plaintiff under said Act, and from taking any steps with respect to it or its business under and by virtue of any right or authority claimed to exist by reason of said Act.

A. A. HOEHLING,
Justice.

From the foregoing decree, the defendants, in open Court, appeal to the Court of Appeals of the District of Columbia; and if it be that bond or undertaking on appeal is required by law in the case, the same is fixed in the penalty of $100, or deposit of $50 cash.

A. A. HOEHLING,
Justice.

December 20, 1922.

Assignments of Error.

Filed December 21, 1922.

* * * * * * *

Now come the defendants by their attorney and assign for
19 errors in the above entitled cause,

1. The action of the Court in holding unconstitutional and void the Act of September 19, 1918, entitled "An Act to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish the Minimum Wage Board and to devise powers and duties and to provide for the fixing of minimum wages for such workers, and for other purposes."

2. The action of the court in permanently enjoining the defendants from enforcing or attempting to enforce its Order Number 4 of March 26, 1920, fixing the minimum wages for women employees in hotels, restaurants, and allied industries.

F. H. STEPHENS,
Attorney for Defendants.

Designation of Record.

Filed December 21, 1922.

* * * * * * *

The Clerk of the Court will please prepare the transcript of record for the Court of Appeals in the above entitled cause consisting of the following:

1. The bill of complaint.

2. The rule to show cause issued thereon.

3. Answer of the defendants to the rule to show cause.

4. Defendants motion to dismiss the bill of complaint.

5. Final decree of June 25, 1920. discharging the rule to show cause and denying preliminary injunction.

6. The opinion of Mr. Justice Bailey of June 22, 1920.

7. The mandate of the Court of Appeals.

20 8. The final decree of December 20, 1922 and the appeal therefrom in open court.

9. Assignments of error filed by the defendants.

10. This designation.

11. Memorandum of undertaking on appeal.

F. H. STEPHENS,
Attorney for Defendants.

Memorandum.

January 8, 1923.—$50. deposited in lieu of Undertaking on Appeal.

21 Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA,
District of Columbia, ss:

I, Morgan H. Beach, Clerk of the Supreme Court of the District of Columbia, hereby certify the foregoing pages numbered from 1 to 17, both inclusive, to be a true and correct transcript of the record, according to directions of counsel herein filed, copy of which is made part of this transcript, in cause No. 37888, in Equity, wherein The Children's Hospital of the District of Columbia, a Corporation, is Plaintiff and Jesse C. Adkins, et al. constituting the Minimum Wage Board of District of Columbia are Defendants, as the same remains upon the files and of record in said Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court, at the City of Washington, in said District, this 10th day of January, 1923.

[Seal of the Supreme Court of the District of Columbia.]

MORGAN H. BEACH,
Clerk.

E. W.

Endorsed: District of Columbia Supreme Court. No. 3939. Jesse C. Adkins, et al., Appellants, vs. The Children's Hospital of the District of Columbia, a Corporation. Court of Appeals. District of Columbia. Filed January 10, 1923. Henry W. Hodges, Clerk.

22 TRANSCRIPT OF RECORD.

Court of Appeals, District of Columbia, January Term, 1923.

No. 3940.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appellants,

vs.

WILLIE A. LYONS.

Appeal from the Supreme Court of the District of Columbia.

Filed January 10. 1923.

23 Court of Appeals of the District of Columbia, January Term, 1923.

No. 3940.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appellants,

vs.

WILLIE A. LYONS, Appellee.

Appeal from the Supreme Court of the District of Columbia.

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24 Supreme Court of the District of Columbia.

Equity. No. 38293.

WILLIE A. LYONS, Plaintiff,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOSEPH A. BERBERICH Constituting the Minimum Wage Board of the District of Columbia, Defendants.

UNITED STATES OF AMERICA,
District of Columbia, ss:

Be it remembered, That in the Supreme Court of the District of Columbia, at the City of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had, in the above-entitled cause, to wit:

25 *Bill of Complaint.*

Filed September 25, 1920.

In the Supreme Court of the District of Columbia.

Equity. No. 38293.

WILLIE A. LYONS, Plaintiff,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOSEPH A. BERBERICH, Constituting the Minimum Wage Board of the District of Columbia, Defendants.

To the Supreme Court of the District of Columbia:

The Plaintiff respectfully represents as follows:

I.

That the plaintiff is a woman of the age of twenty-one years, and is a resident of the District of Columbia; that the defendants are residents of the District of Columbia and are members of the Minimum Wage Board of the District of Columbia.

II.

That the Congress Hall Hotel Company is a corporation, organized and existing under the laws of the District of Columbia, and is engaged in the business of conducting a hotel; that plaintiff was heretofore, on the 25th day of May, 1920, and for some months prior thereto, employed by said hotel as an elevator operator and received therefor a salary of $35 a month and two meals a day, in compensation for her services; that said work in said hotel is light and healthful, physically and morally; that the hours of labor are short, not over six hours a day, and that the surroundings in which the plaintiff worked are agreeable and pleasant; that the plaintiff is anxious to continue to work for the wages and board now paid, and that the plaintiff did not earn any greater wages.

The plaintiff states that she was on or about May 25th, 1920, notified by the Congress Hall Hotel Company that, while her services had been entirely satisfactory and while the hotel would be glad to continue her services at the same wages, the hotel company would be unable to do so, but would be compelled to dispense with the services of plaintiff on May 26, 1920, by reason of a certain Act hereinafter referred to, and a certain order of the defendants purporting to make it a criminal offense for the said hotel company to continue to employ the plaintiff at said wages which were satisfactory to the plaintiff, and denying to said hotel company its freedom of contract
26 with the plaintiff, and denying to the plaintiff her right to work for whom she pleased at such wages as she pleases.

Plaintiff states that she is of sound mind and understanding and does not desire such guardianship or interference with her personal freedom to make her own contracts.

III.

That heretofore on September 19, 1918, the Congress of the United States passed an Act entitled "An Act to protect the lives and health and morals of women and minor workers in the District of Columbia to establish a Minimum Wage Board, and to define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes." Said Act created a Board to be known as the Minimum Wage Board of the District of Columbia. Under color of said Act, the Commissioners of the District of Columbia appointed as members of the said Board, Jesse C. Adkins, Ethel M. Smith and Joseph A. Berberich, the defendants named herein, who pretended to enter upon the discharge of their duties as such Board.

IV.

That on June 13, 1919, assuming to exercise authority under said Act, the Minimum Wage Board issued the following order:

"*M. W. B., Order No. 4, Hotel, Restaurant, and Allied Industries.*

District of Columbia,

Minimum Wage Board,

502 District Building.

Washington, D. C., March 26, 1920.

To whom it may concern:

Take notice: That pursuant to the authority in it vested by the Act of Congress known as the District of Columbia Minimum Wage Law (Public numbered 215, 65th Congress) and after public hearing duly held in Washington, D. C. on Monday, March 22, 1920. The Minimum Wage Board of the District of Columbia, does hereby order that:

1. No person, firm, association, or corporation shall employ a woman or minor girl in any hotel, lodging house, apartment house, club, restaurant, cafeteria, or other place where food is sold to be consumed on the premises or in any hospital, at a rate of wages of less than 34½ cents per hour, $16.50 per week, or $71.50 per month. This shall not be construed to include nurses in training.

2. When bona fide meals are furnished by the employer to any woman or minor girl employed in the establishments named in Section 1 of this order as part payment of the wages of such
27 employee, not more than 30 cents per meal may be deducted by such employer from the weekly wage of such employee.

A record shall be kept of the number of meals furnished each woman and minor girl per week and of the deductions made from the weekly wage for the same; otherwise the full minimum wage rates shall be paid in cash.

3. When lodging is furnished by the employer to any woman or minor girl employed in the establishments named in Section 1 of this order as part payment of the wages of such employee, not more than $2.00 per week shall be deducted by such employer from the weekly wage of such employee.

4. Tips and gratuities shall not be construed as part of the legal minimum wage.

This order shall become effective sixty (60) days from date hereof.

MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA,
JESSE C. ADKINS,
Chairman.
ETHEL M. SMITH.
JOSEPH A. BERBERICH.

Attest:
CLARA MORTENSON,
Secretary.

Notice: This order will become effective May 26, 1920.

Your attention is respectfully called to the following sections of Public numbered 215, 65th Congress:

Whoever violates this Act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than $25 nor more than $100, or by imprisonment not less than ten days nor more than three months, or by both such fine and imprisonment. (Section 18.)

Every employer affected by this order shall keep a copy thereof posted in a conspicuous place in such room in his establishment in which women workers are employed. (Section 12.)"

V.

That the wages which this plaintiff was receiving as aforesaid are the best wages and compensation for her labor that she is able to receive for any employment or labor which she is capable of performing, and the enforcement of said order deprives her of said employment and wages. That the work in the hotel where plaintiff was engaged is light and healthful and the surroundings clean, and the moral atmosphere and conditions are the best. That by said employment plaintiff lived and maintained herself in health and comfort. That plaintiff was employed in said hotel pursuant to an agreement between the plaintiff and the said hotel company, and

said hotel company is ready and willing to resume and con-
28 tinue the employment of the plaintiff in her said position at the same wages as aforesaid, but that said defendants and each of them threatens to, and will, unless restrained by this court, cause the plaintiff's employer, said Congress Hall Hotel Company, to be prosecuted for resuming the employment of this plaintiff for said work in said hotel at such rate of wages agreed upon between the plaintiff and her employer, the same being less than the minimum wages prescribed in said order of said Board, although said wages and board are entirely satisfactory to the plaintiff, and although plaintiff would be glad to resume said employment and continue to work at said wages; and if said defendants are permitted to enforce said order, said hotel company will be denied the right to contract with the plaintiff to work at said wages, and plaintiff will be denied the right to contract for her services for said wages, and deprived of her position and of her means of earning a living, because she is a woman over the age of 18 years.

Plaintiff further avers that she cannot secure any other position in which plaintiff can make a living in as healthful surroundings, physically and morally, and earn as good wages as she received as aforesaid; and that there is no position plaintiff could fill more wholesome to health and morals than the position she so held for the wages she received.

The plaintiff avers, moreover, that if the said defendants shall be restrained by this Court from enforcing the said order, then the plaintiff will resume and continue in said employment at the wages paid her as aforesaid, and at which wages this plaintiff is desirous of continuing, and will thereby continue to earn her living as aforesaid if permitted to do so.

VI.

And this plaintiff avers that said Act of Congress is not a law in the said District of Columbia, but is void and of no effect, because it is repugnant to and in violation of the Constitution of the United States in that, and said order made under color of said Act is void because,

(1) Said Act and order deprive plaintiff of her means of livelihood, her property, and of her liberty without due process of law.

(2) In attempting to make it a criminal offense for the Congress Hall Hotel Company to continue to employ the plaintiff at wages satisfactory to said hotel and to the plaintiff, there is an unconstitutional interference with plaintiff's freedom of contract.

(3) Said Act and order attempt by legislative decree to declare that plaintiff's health and morals would be injured by continuing to work for the satisfactory wage she has been receiving, whereas the contrary is the fact.

(4) Said Act and order deny to plaintiff the right to work in surroundings pleasant, healthful and moral, for whom she pleases

and at wages satisfactory to her; while at the same time said Act and order do not deny men the right to work for whom they please at such wages as they may please.

29 (5) Said Act and order attempt to make the plaintiff a ward of the Government and to treat the plaintiff as being incompetent to contract, thus abridging and denying the plaintiff her rights under the Constitution of the United States.

(6) That Congress has no authority under the Constitution of the United States to fix the price of plaintiff's labor.

(7) That said Act and order discriminate against the plaintiff merely because she is a woman, and attempt to deny to her rights enjoyed by all male citizens of the United States to work for whom she pleases at such wages as may be agreeable to her.

(8) That said Act and order deny to plaintiff the equal protection of the laws.

(9) That said Act and order provide for the taking of the property of this plaintiff without just or any compensation.

VII.

That plaintiff has no plain, adequate or complete remedy at law and unless the defendants, and each of them, shall be restrained from attempting to enforce said unconstitutional statute and said void order against the employing of this plaintiff she will be deprived of that employment, and of her right to accept and engage in such employment, and thereby entail upon her great and irreparable loss, injury and damage.

Wherefore, the premises considered, the plaintiff prays:

First. That the Court may cause its writ of subpœna to be issued directed to the defendants, and each of them, commanding them and each of them to appear and answer the allegations in this bill.

Second. That the said defendants and each of them and their successors in office may be enjoined and restrained, both pending this suit and permanently at the final hearing thereof, from enforcing or attempting to enforce the said order above set out, or any other order which it has issued or may hereafter issue under said unconstitutional statute.

Third. That this Honorable Court issue a decree vacating said order and annulling said unconstitutional statute.

Fourth. And for such other and further relief as to the Court may seem proper.

WILLIE A. LYONS.

CHALLEN B. ELLIS,
Attorney for Plaintiff.

CITY OF WASHINGTON,
District of Columbia:

Personally appeared before me Willie Lyons, who, upon being duly sworn, states on her oath that she is the plaintiff in the above entitled cause, and that the facts stated in the foregoing petition of her own knowledge are true, and that the facts stated in said petition as on information and belief she believes to be true.

WILLIE A. LYONS.

Subscribed and sworn to before me this 16 day of Sept. 1920.

[SEAL.]

FRANCIS C. WEBB,
Notary Public, D. C.

My commission expires 5/1/21.

Rule to Show Cause.

Filed September 25, 1920.

* * * * * * *

Upon consideration of the Bill of Complaint filed herein, it is this 25 day of September, 1920, ordered that the defendants, Jesse C. Adkins, Ethel M. Smith and Joseph A. Berberich, members of the Minimum Wage Board of the District of Columbia, show cause, if any they have, on or before 10:00 o'clock A. M. on Tuesday October 4th, 1920, why they should not be enjoined and restrained as prayed in said Bill of Complaint; provided that a copy of this rule be served upon said defendants on or before Wednesday, September 29th, 1920, the rule to be heard before Mr. Justice Bailey.

WENDELL P. STAFFORD,
Justice.

Marshal's Return.

Served a copy of the within rule on Jesse C. Adkins and Joseph A. Berberich each personally 9/27/20.
Ethel M. Smith not to be found Sept. 29, 1920.

MAURICE SPLAIN,
U. S. Marshal.

K.

Answer to Rule to Show Cause.

Filed October 4, 1920.

* * * * * * *

Now come the defendants, and for answer to the rule to show cause issued herein, say to the Court as follows:

1. They admit the allegations of paragraph 1 of the said bill.

2. They admit the matters of fact set forth in paragraph 2.

3. They admit the matters of fact set out in paragraph 3.

4. Answering paragraph 4, defendants say that the order referred to therein was made on March 26th, 1920, and not on June 13th, 1919, as set forth. They admit the other matters set out in said paragraph.

5. Answering paragraph 5, defendants say that other elevator operators in the District are paid at a rate of wage *with* complies with Order No. 4, set out in paragraph IV of the bill, and that other hotels, apartment houses and stores in the District of Columbia pay adequate wages under said order and furnish employees with
31 surroundings as pleasant and desirable as those now enjoyed by her, defendants therefore deny that plaintiff is deprived of the right to contract for her services or that she is deprived of her position and means of earning a livelihood.

Defendants deny, also, that plaintiff cannot secure another position in which she can make a living in as healthful surroundings as her present position. Defendants assume that plaintiff is a person of average intelligence and physical strength. If she be deficient mentally or physically, that fact should be made known to the Wage Board, and a special certificate issued to her, as provided by law.

6, 7. Defendants say that paragraphs 6 and 7 of the bill contain averments of law which they are advised need not be answered.

Having fully answer- the said rule to show cause, defendants pray that the same be discharged.

JESSE C. ADKINS,
ETHEL M. SMITH,
JOSEPH A. BERBERICH,
Defendants.

DISTRICT OF COLUMBIA, *ss:*

I, Jesse C. Adkins, do solemnly swear that I am one of the defendants herein and one of the members of the Minimum Wage Board of the District of Columbia, the other members being Ethel N. Smith and Joseph A. Berberich; that I have read the foregoing and annexed answer to the rule to show cause by us subscribed, and know the contents thereof, and that the matters and things therein stated upon our personal knowledge are true, and those stated upon information and belief I believe to be true.

JESSE C. ADKINS.

Subscribed and sworn to before me this first day of October, 1920.

[SEAL.] CHARLES E. GEBHARDT,
Notary Public, D. C.

Motion to Dismiss.

Filed October 4, 1920.

* * * * * * *

Now come the defendants by their attorney and move the Court to dismiss the bill in the above entitled cause, for that there are no matters and things either of fact or of law set forth therein, to entitle her to equitable relief.

F. H. STEPHENS,
Attorney for Defendants.

32 *Order Discharging Rule and Dismissing Bill.*

Filed October 5, 1920.

* * * * * * *

This cause having come on for hearing on the original bill filed herein and the rule to show cause why a preliminary injunction should not issue, the answer to said rule and the motion of the defendants to dismiss the petition and discharge the rule, and having been argued by counsel and considered by the Court,

It is this 5th day of October, 1920, adjudged, ordered and decreed that the rule to show cause be discharged and the application for a preliminary injunction be, and the same hereby is, denied.

It is also adjudged, ordered and decreed that the bill filed herein be, and the same hereby is dismissed, at the cost of the plaintiff.

JENNINGS BAILEY,
Associate Justice.

From the above decree the plaintiff notes an appeal in open court; and the bond on such appeal is hereby fixed at One hundred dollars ($100.00).

JENNINGS BAILEY,
Associate Justice.

33 *Mandate.*

Filed December 15, 1922.

UNITED STATES OF AMERICA, *ss.*

[SEAL.]

The President of the United States of America to the Honorable the Justices of the Supreme Court of the District of Columbia, Greeting:

Whereas, lately in the Supreme Court of the District of Columbia, before you, or some of you, in a cause between Willie A. Lyons, plaintiff and Jesse C. Adkins, Ethel M. Smith, Joseph A. Berberich,

Constituting the Minimum Wage Board of the District of Columbia, defendants, Equity No. 38,293, wherein the decree of the said Supreme Court entered in said cause on the 5th day of October, A. D. 1920, is in the following words, viz:

This cause having come on for hearing on the original bill filed herein and the rule to show cause why a preliminary injunction should not issue, the answer to said rule and the motion of the defendants to dismiss the petition and discharge the rule, and having been argued by counsel and considered by the Court,

It is this 5th day of October, 1920, adjudged, ordered and decreed that the rule to show cause be discharged and the application for a preliminary injunction be, and the same hereby is, denied.

It is also adjudged, ordered and decreed that the bill filed herein be, and the same hereby is dismissed, at the cost of the plaintiff.

JENNINGS BAILEY,
Associate Justice.

as by the inspection of the transcript of the record of the
34 said Supreme Court, which was brought into the Court of Appeals of the District of Columbia by virtue of an appeal, agreeably to the act of Congress in such case made and provided, fully and at large appears.

And whereas at the term of January A. D. 1921, of the said Court of Appeals, the retierment of Joseph A. Berberich, and the appointment of John J. Newbold as his successor as a member of the Minimum Wage Board of the District of Columbia having been suggested. It was ordered that the said John J. Newbold as a member of the Minimum Wage Board be made a party appellee.

And whereas, in the present term of October, in the year of our Lord one thousand nine hundred and twenty-two, the said cause came on to be heard before the said Court of Appeals on the said transcript of record, and was argued by counsel:

On consideration whereof, it is now here ordered adjudged and decreed by this Court that the decree of the said Supreme Court in this cause be, and the same is hereby, reversed with costs, and that the said plaintiff Willie A. Lyons recover against the said appellees Forty-five dollars and seventy cents for her costs herein expended and have execution therfor.

And it is further ordered that this cause be, and the same is hereby remanded to the said Supreme Court for further proceeding not inconsistent with the opinion of the Court.

November 6, 1922.

You, therefore, are hereby commanded that such execution and further proceedings be had in said cause in conformity with
35 the opinion and decree of this Court as according to right and justice and the laws of the United States ought to be had, the said appeal notwithstanding.

Witness the Honorable Constantine J. Smyth, Chief Justice of said Court of Appeals, the 15th day of December in the year of our Lord one thousand nine hundred and twenty-two.

HENRY W. HODGES,
Clerk of the Court of Appeals of the District of Columbia.

Costs of plaintiff:

Clerk	$18.20
Attorney	5.00
Printing Record	22.50
	$45.70

Decree.

Filed December 20, 1922.

* * * * * * *

This cause came on to be heard at this term pursuant to the mandate of the Court of Appeals of the District of Columbia heretofore filed herein, and upon consideration of the bill of complaint, answer to rule to show cause and other pleadings, and motion to dismiss the bill of complaint, the parties not desiring to plead further or to adduce facts or evidence, and the matter having been presented to the Court by counsel for both parties and considered by the Court, it is this 20th day of December, 1922, Adjudged, Ordered and Decreed as follows:

1. That the Act of Congress entitled "An Act to protect the lives and health and morals of women and minor workers in the District of Columbia and to establish a Minimum Wage Board, and to define its powers and duties, and to provide for the fixing of mini-
36 mum wages for such workers, and for other purposes.", known and designated as the Minimum Wage Law of the District of Columbia, is invalid because in conflict with the Constitution of the United States and the amendments thereto.

2. That the defendants, and each of them, and their successors in office, be and they are hereby permanently enjoined from enforcing or attempting to enforce as affects the plaintiff its order No. 4 dated March 26, 1920, with respect to minimum wages for women employes in hotel, restaurant and allied industries, or any other order which it has issued or may hereafter issue, and from taking any steps affecting this plaintiff under and by virtue of any right or authority claimed to exist by reason of said Act.

A. A. HOEHLING,
Justice.

From the foregoing decree, the defendants, in open court, appeal to the Court of Appeals of the District of Columbia; and if it be that

bond or undertaking on appeal is required by law in the case, the same is fixed in the penalty of $100.00 or deposit of $50. cash.

A. H. HOEHLING,
Justice.

December 20, 1922.

Assignment of Errors.

Filed December 21, 1922.

* * * * * * *

Now come the defendants by their attorney and assign for errors in the above entitled cause,

37 1. The action of the court in holding unconstitutional and void the Act of September 19, 1918, entitled "An Act to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish the Minimum Wage Board and to devise powers and duties and to provide for the fixing of minimum wages for such workers, and for other purposes."

2. The action of the Court in permanently enjoining the defendants from enforcing or attempting to enforce its Order Number 4 of March 26, 1920, fixing the minimum wages for women employees in hotels, restaurants, and allied industries.

F. H. STEPHENS,
Attorney for Defendants.

Designation of Record.

Filed December 21, 1922.

* * * * * * *

The Clerk of the Court will please prepare the transcript of record for the Court of Appeals in the above entitled cause consisting of the following:

1. The bill of complaint.
2. The rule to show cause issued thereon.
3. Answer of the defendants to the rule to show cause.
4. Defendants' motion to dismiss the bill of complaint.
5. Final decree of Oct. 5, 1920, discharging the rule to show cause and denying preliminary injunction.
6. The opinion of Mr. Justice Bailey of June 22, 1920.
7. The mandate of the Court of Appeals.

38 8. The final decree of December 20, 1922, and the appeal therefrom in open court.

9. Assignment of errors filed by the defendants.

10. This designation.

11. Memorandum of undertaking on appeal.

F. H. STEPHENS,
Attorney for Defendants.

Memorandum.

January 8, 1923.—$50 deposited in lieu of undertaking on appeal.

39 Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA,
District of Columbia, ss:

I, Morgan H. Beach, Clerk of the Supreme Court of the District of Columbia, hereby certify the foregoing pages numbered from 1 to 14, both inclusive, to be a true and correct transcript of the record, according to directions of counsel herein filed, copy of which is made part of this transcript, in cause No. 38293 in Equity, wherein Willie A. Lyons is Plaintiff and Jesse C. Adkins et al., constituting the Minimum Wage Board of the District of Columbia, are Defendants, as the same remains upon the files and of record in said Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court, at the City of Washington, in said District, this 10th day of January, 1923.

[Seal of the Supreme Court of the District of Columbia.]

MORGAN H. BEACH,
Clerk.

L. M. G.

Endorsed: District of Columbia Supreme Court. No. 3940. Jesse C. Adkins, Ethel M. Smith, John J. Newbold, Constituting the Minimum Wage Board of the District of Columbia, Appellants, vs. Willie A. Lyons. Court of Appeals, District of Columbia. Filed January 10, 1923. Henry W. Hodges, Clerk.

40 Saturday, February 5th, A. D. 1921.

* * * * * * *

It is ordered by the Court, pursuant to Section 6 of the act of Congress approved February 9, 1893, entitled "An act to establish the Court of Appeals of the District of Columbia, and for other purposes," that the Honorable Wendell P. Stafford, Associate Justice of the Supreme Court of the District of Columbia, be, and he is hereby, designated to sit as a member of this Court in the absence of Mr.

Justice Robb, in the hearing and decision of the following cases, namely: Nos. 8, 9, 10 and 11 Special Calendar; and 3370, 3414, 3421, 3423, 3426, 3427, 3429, 3434, 3436, 3437, 3438, 3440, 3443, 3446, 3449, 3451, 3456, 3458, 3460 and 3467, General Calendar, January Term 1921.

CONSTANTINE J. SMYTH,
Chief Justice.
JOSIAH A. VAN ORSDEL,
Associate Justice.

41 Monday, February 14th, A. D. 1921.

* * * * * * *

No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia,

and

No. 3467.

WILLIE A. LYONS, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia.

The argument in the above entitled causes was commenced by Mr. C. B. Ellis, attorney for the appellants, and was continued by Mr. Felix Frankfurter, attorney for the appellees, and was concluded by Mr. Jos. W. Folk, attorney for the appellants.

42 In the Court of Appeals of the District of Columbia.

No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia.

This appeal involves the constitutionality of an Act of Congress approved September 19, 1918 (40 Stat. 960), and known as the

Minimum Wage Act. The purpose of the Act as stated by it is "to protect the women and minors of the District from conditions detrimental to their health and morals, resulting from wages which are inadequate to maintain decent standards of living," and the Act emphatically directs that it shall be interpreted to effectuate this purpose.

In view of the issue, to be stated in a moment, a brief outline of the Act will suffice. It provides for the appointment of a Minimum Wage Board by the Commissioners of the District of Columbia, with power to investigate and ascertain the wages of women and minors in the different occupations in which they are employed in the District; to examine the records of any employer of women or minors that have a bearing on the question of the wages paid to such workers, and to require the employer to make true statements of the wages paid to them. The Commissioners of the District are directly to supply to the Board all information gathered by them under an Act of Congress to regulate the hours of employment and safeguard the health of females employed in the District of Columbia. 38 Stat. 291. All parties interested are entitled to be heard before the Board, witnesses may be summoned, and the aid
43 of the courts may be invoked for the purpose of compelling their attendance. After the prescribed investigation has taken place, it is made the duty of the Board to declare standards of minimum wages for the women in the occupations investigated and "what wages are inadequate to supply the necessary cost of living to any such women workers to maintain them in good health and to protect their morals." The Board is also authorized to determine standards of minimum wages for minors and "what wages are unreasonably low for any such minor workers." In the event that a woman's earning capacity has been impaired by age or otherwise, the Board may issue a license authorizing her employment for less than the minimum wage fixed.

A violation of the Act is made a misdemeanor, punishable by fine or imprisonment, or both. An employer who discriminates against an employee because of any part taken by her in a proceeding before the Board shall be guilty of a misdemeanor punishable by fine. If a woman is paid less than the minimum wage to which she is entitled she may recover the difference between the minimum wage and that paid, together with reasonable attorney's fees; and no agreement made by her to work for less than the minimum wage will be a defense to such action. No appeal to the courts is allowed from a decision of the Board on a question of fact, but an appeal may be taken on a question of law.

The Board having in the manner provided by the Act investigated the conditions of women and minor girls employed by hotels, lodging houses, apartment houses, clubs, restaurants, cafeterias and hospitals, and the wages paid to them in these establishments, issued an order forbidding, among other things, any person or corporation to employ a woman or minor girl in any of these places " at a rate of wages of less than 34½ cents per hour, $16.50 per week, or $71.50 per month," but providing that where bona fide meals are furnished

as part payment of wages, not more than thirty cents per meal may be deducted from the weekly wages.

44 The plaintiff alleged in its bill that it was a corporation conducting a hospital for children in the District of Columbia; that it employed a large number of women over eighteen years of age to whom it paid not less than $22.50 per month and board, and that if the order of the Minimum Wage Board were enforced it would serve to hamper, if not prevent, the carrying on and conducting of the hospital, for the reason "that it cannot pay the wages by said order required or directed and still conduct its said hospital as now conducted, within its income," and, therefore, it averred that enforcement of the order would deprive it of its property without due process, in contravention of the Fifth Amendment to the Constitution of the United States, and it asked that the defendants, appellees here, be enjoined from enforcing the Act. A rule to show cause was issued to which the defendants made answer and then moved to dismiss the bill on the ground that its allegations did not entitle plaintiff to the relief sought. The motion was sustained and the plaintiff appeals.

Appellant does not deny the reasonableness of the wage established by the Board. If its employees were not able because of age or of anything else to earn that wage, it could have procured permission under Section 13 of the Act to employ them for less; but it made no application for this permission. Its argument is, as we understand it, that since its employees are willing to work for a smaller wage—a wage less than is necessary to sustain them in good health according to the findings of the Board,—it has a right to contract with them on that basis; and because the Act deprives it of that right it interferes with its liberty of contract and thereby deprives it of its property without due process. In other words, it argues that Congress has no power to fix any wage, reasonable or unreasonable, for women and minors.

45 It is now firmly established, so often has it been decided, that the high respect due from one coordinate branch of the Government to another forbids the Judiciary to declare an Act of Congress invalid unless it is manifestly so.

"Every possible presumption is in favor of the validity of a statute, and this continues until the contrary is shown beyond a rational doubt. One branch of the government cannot encroach on the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule." Sinking-Fund Cases, 99 U. S. 700, 718. Mr. Justice Holmes, speaking for the court, in Otis vs. Parker, 187 U. S. 606, 608, 609, said. "While the courts must exercise a judgment of their own, it by no means is true that every law is void which may seem to the judges who pass upon it excessive, unsuited to its ostensible end, or based upon conceptions of morality with which they disagree. Considerable latitude must be allowed for differences of view as well as for possible peculiar conditions which this court can know but perfectly, if at all. Otherwise a constitution, instead of embodying

only relatively fundamental rules of right, as generally understood by all English-speaking communities, would become the partisan of a particular set of ethical or economical opinions, which by no means are held Semper ubique et ab omnibus." Supporting the same views are Rast vs. Van Deman & Lewis Co., 240 U. S. 342, 366; United States vs. L. Cohen Grocery Company, decided by the Supreme Court of the United States February 28, 1921; Patterson vs. Kentucky, 97 U. S. 501, 503, and Louisiana vs. Jumel, 107 U. S. 711, 767. Since "every possible presumption" is in favor of the legality of a statute, he who attacks it has the very heavy burden, if he would succeed, of establishing its invalidity beyond a reasonable doubt. This must be kept in mind throughout our discussion.

46 As we have just seen, the position of the appellant is that under no conceivable state of facts would Congress have the power to pass a minimum wage act. This must be its position, for if it admitted that under any state of facts Congress possessed that power, we would have to assume that those facts existed when the present act was passed. Such is the doctrine of Munn vs. Illinois, 94 U. S. 113, 132, wherein it is said: "For our purposes we must assume that, if a state of facts could exist that would justify such legislation, it actually did exist when the statute now under consideration was passed. For us the question is one of power, not of expediency. If no state of circumstances could exist to justify such a statute, then we may declare this one void, because in excess of the legislative power of the State. But if it could, we must presume it did." That principle has often been assailed, but the court has steadily refused to recede from it in any respect. Some of the cases which illustrate this are: Ga. Banking Co. vs. Smith, 128 U. S. 174, 180; Budd vs. New York, 143 U. S. 517, 543; German Alliance Ins. Co. vs. Kansas, 233 U. S. 409; Brooks Scanlon Co. vs. Railroad Commission, 251 U. S. 396. In the Kansas Case I find this: "Munn v. Illinois was approved in many state decisions, but it was brought to the review of this court in Budd v. New York, 143 U. S. 517, and this doctrine, after elaborate consideration, reaffirmed, and against the same arguments which are now urged against the Kansas statute."

When Congress legislates for the District of Columbia it may exercise the police power in all its plenitude. Washington Terminal Co. vs. District of Columbia, 36 App. D. C. 186, 191; District of Columbia vs. Brooke, 214 U. S. 138, 149. About this there is no dispute. Under that power it has the right "to enact laws for the promotion of the health, safety, morals and welfare of those subject to its jurisdiction." Chicago, Burlington & Quincy Railroad Co. vs. McGuire, 219 U. S. 549, 568. See also the recent case of Block vs.

47 Hirsh, decided by the Supreme Court of the United States April 18, 1921. Does this Act fall within the power? The Congress by enacting it says it does. "Upon what sound principles as to the relations existing between the different departments of government can the court review this action of the legislature?" Jacobson vs. Mass., 197 U. S. 11, 31. It can be done only where "a statute purporting to have been enacted to protect the

public health, the public morals, or the public safety, has no real or substantial relation to those objects, or is a palpable invasion of rights secured by the fundamental law * * *." Mugler vs. Kansas, 123 U. S. 623, 661; see also Minnesota vs. Barber, 136 U. S. 313, 320, and Atkin vs. Kansas, 191 U. S. 207, 223.

We first inquire whether or not the Act has any real or substantial relation to its declared object. For answer we may resort to our common knowledge. "A common belief, like common knowledge, does not require evidence to establish its existence, but may be acted upon without proof by the legislature and the courts. * * * The fact that the belief is not universal is not controlling, for there is scarcely any belief that is accepted by every one." In Re Viemeister, 179 N. Y. 235, 240, approved in Jacobson vs. Mass., supra, 34. To the same effect is McNichols vs. Pease, 207 U. S. 100, 111. "We think," says the Supreme Court, "that the trial court might well take judicial notice that the public health is deeply concerned in the reclamation of swamp and overflowed lands. If there is any fact which may be supposed to be known by everybody, and, therefore, by the courts, it is that swamps and stagnant waters are the cause of malarial and malignant fevers, and that the police power is never more legitimately exercised than in removing such nuisances." Leovy vs. United States, 177 U. S. 621, 636. It is equally well known that if a working woman does not receive a sufficient wage to supply her with necessary food, shelter, and clothing, and she is compelled to subsist upon less than her requirements demand, the result must be that her health would be injuriously affected.

The House Committee's report shows that the Committee held extensive hearings on the bill. Six hundred women workers
48 were interviewed. About half of them, it was found, earned less than $8 per week, and over two-thirds less than $10 a week. This situation was not owing to their youth and inexperience, for seventy-two per cent. were twenty-one years of age or older, and one-half of those earning less than $9 per week had been at work for five years and more. The least for which the average woman could obtain board and lodging in the District was $35 per month. Sufficient clothing, "even with the strictest economy," could not be obtained for less than $88 per year. Nearly forty-two per cent. of the six hundred women interviewed spent less than that on clothing. To be well dressed, but not extravagantly, a woman must spend approximately $125 per year, and sixty-eight per cent. of the women interviewed spent less than that amount. In the lowest paid groups of workers the average expenditure for clothing, says the report, "is below that which would permit of physical comfort and decency." Of the six hundred interviewed "45 per cent needed to receive outside assistance in order to make both ends meet." The Merchants and Manufacturers' Association of the District, representing thirty-three different businesses and employing about 5,000 persons, made known to the Committee that it approved the bill. No one appeared to oppose it. The Committee said that the remedy provided by the bill had been tried and found successful in various States of the Union and in other parts of the English-speaking world, and con-

cluded "that inadequacy of wages means either of two things, * * * inadequacy of all the essentials—shelter, clothing, food, etc., with resultant impoverishment of health, or * * * that from some source the wage must be supplemented with possible resort to wrongdoing."

Thirteen States of the Union, either by a statute or a constitutional provision; eight provinces of Canada, Argentina, France, Great Britain, Norway and Austria by legislative acts, have provided for a minimum wage for women on the theory that it tends to
49 safeguard their health. Students of the subject and public boards in different parts of the world have found and declared as a result of thorough investigation that minimum wage stimulates industrial efficiency and aids industrial peace. These things we learn from the brief and oral argument of appellees. If they be true, and their truth is tacitly admitted by the appellant since it did not question it, then it would appear that in the judgment of a large part of the world there is an intimate relation between a minimum wage and the public welfare.

Minimum wage statutes have been assailed several times in the courts but no court has held one invalid. Stettler vs. O'Hara, 69 Oreg. 519; Simpson vs. O'Hara, 70 Oreg. 261; Williams vs. Evans, 139 Minn. 32; State vs. Crow, 130 Ark., 272; Larsen vs. Rice, 100 Wash. 642; Spokane Hotel Co. vs. Younger, 13 Wash. Dec. 322; Holcombe vs. Creamer, 231 Mass. 99, ad Poye vs. State, — Tex. —, decided October 15, 1920. This fact is worthy of serious consideration. Halter vs. Nebraska, 205 U. S. 34, 40.

But putting aside the Committee's report and the other things we have just mentioned, if there be doubt of our right to use them, and resting only on what everyone knows—our common knowledge—we can not doubt that this act has a substantial relation to its expressed object.

We now come to the other element of the problem. Is the Act a palpable invasion of rights secured by the fundamental law?

In variant forms of argument it is urged that the Act is invalid because it interferes with freedom of contract. That it does so must be conceded, but that is not fatal. Every statute exerting the police power interferes with freedom of contract. Under such a statute persons are forbidden to contract to do certain things which they were free to do before its enactment. If it be correct that the statute is void on that ground, there would be no room for the play of the police power. But, obviously, it can not be correct. "There
50 is no absolute freedom to do as one wills or to contract as one chooses. The guaranty of liberty does not withdraw from legislative supervision that wide department of activity which consists of the making of contracts, or deny to government the power to provide restrictive safeguards. Liberty implies the absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions imposed in the interests of the community." The right to make contracts "is subject also, in the field of state action, to the essential authority of government to maintain peace and security, and to enact laws for the promotion of the health, safety,

morals and welfare of those subject to its jurisdiction." Chicago, Burlington & Quincy Railroad Co. v. McGuire, 219 U. S. 549, 567, 568.

In German Alliance Insurance Co. vs. Kansas, 233 U. S. 389, 409, Mr. Justice McKenna, speaking of the dissenting opinion of Mr. Justice Brewer in Budd vs. New York, 143 U. S. 517, wrote: "Every consideration was adduced, based on the private character of the business regulated, and, for that reason, its constitutional immunity from regulation, with all the power of argument and illustration of which that great judge was a master. The considerations urged did not prevail. Against them the court opposed the ever existing police power in government and its necessary exercise for the public good, and declared its entire accommodation to the limitations of the Constitution. The court was not deterred by the charge (repeated in the case at bar) that its decision had the sweeping and dangerous comprehension of subjecting to legislative regulation all of the businesses and affairs of life and the prices of all commodities." Therein the learned justice examines many of the prior decisions of the Supreme Court with respect to the police power and finds that according to them that power, when exercised for the public good, is in "entire accommodation to the limitations of the Constitution."

51 Many are the instances in which the court has sustained statutes involving a restriction upon freedom of contract: It has approved an Act limiting the hours of employment in mines and smelters (Holden vs. Hardy, 169 U. S. 366); forbidding the sale of cigarettes without license (Gundling vs. Chicago, 177 U. S. 183); requiring the redemption in cash of store orders issued in payment of wages (Knoxville Iron Co. vs. Harbison, 183 U. S. 13); prohibiting contracts for options to sell or buy grain (Booch vs. Ill., 184 U. S. 425); permitting an individual to condemn property for the purpose of obtaining water for his land (Clark vs. Nash, 198 U. S. 361); and forbidding the employment of women in laundries more than ten hours a day (Muller vs. Oregon, 208 U. S. 412). In each of these cases the right of private contract was involved, but that did not deter the court from sustaining the statutes.

Between the sphere of constitutional guaranties and that of the police power there is a dividing line, but the courts have purposely refrained from pointing out just where it lies. Jacobson vs. Mass., supra, 11, 25. "It is always easier to determine whether a particular case comes within the general scope of the power, than to give an abstract definition of the power itself which will be in all respects accurate. No one denies, however, that it extends to all matters affecting the public health or the public morals." Stone vs. Miss., 101 U. S. 814, 818. Correctly understood, the constitutional guaranties against deprivation of liberty or property without due process of law protect only against arbitrary deprivation or arbitrary spoliation. In the leading case of Barbier vs. Connolly, 113 U. S. 27, 31, the court considered the scope of the Fourteenth Amendment. It said: "But neither the amendment—broad and comprehensive as it is—nor any other amendment, was designed to interfer with the

power of the State, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education and good order of the people, and to legislate so as to increase the in-
52 dustries of the State, develop its resources, and add to its wealth and prosperity." In Miller vs. Wilson, 236 U. S. 373, 380, Mr. Justice Hughes, speaking for the court, said: "As the liberty of contract guaranteed by the Constitution is freedom from arbitrary restraint—not immunity from reasonable regulation to safeguard the public interest—the question is whether the restrictions of the statute have reasonable relation to a proper purpose." Supporting the same doctrine are Holden vs. Hardy, 169 U. S. 366; Muller vs. Oregon, 208 U. S. 412; Riley vs. Commonwealth of Mass., 232 U. S. 671, and Bosley vs. McLaughlin, 236 U. S. 385.

Even property may be destroyed without compensation through the legitimate exercise of this power without offending against the constitutional guaranty. Mugler vs. Kansas, 123 U. S. 623. "No legislature can bargain away the public health or public morals. The people themselves cannot do it, much less their servants." Stone vs. Miss., ante, 819. In the Mugler case the court, speaking of the Fourteenth Amendment, said: "* * * and it has never been regarded as incompatible with the principle, equally vital, because essential to the peace and safety of society, that all property in this country is held under the implied obligation that the owner's use of it shall not be injurious to the community." (P. 665). Other cases to the same effect are New Orleans Gas Co. vs. Louisiana Light Co., 115 U. S. 650, 672; Beer vs. Mass., 97 U. S. 25, 32. "That the Fourteenth Amendment was not intended to and does not strip the States of the power to exert their lawful police authority is settled, and requires no reference to authorities." Thus spoke the learned chief justice in Louisville & Nashville Railroad vs. Melton, 218 U. S., 36, 52.

While it is true that it was the Fourteenth Amendment and not the Fifth Amendment which was under consideration in many of the decisions which we have just referred to, what is said therein is as applicable to the one as to the other. Indeed, it is so stated in Barbier vs. Connolly, supra, 31.

53 Repeatedly the Supreme Court has upheld statutes limiting the hours of labor on the footing that excessive hours interfere injuriously with the health of those who are compelled to practice them. Holden vs. Hardy, supra, 366; Muller vs. Oregon, 208 U. S. 412; Riley vs. Commonwealth of Mass., supra, 671; Miller vs. Wilson, supra, 373, and Bosley vs. McLaughlin, 236 U. S. 385. The first case related to men engaged in mining. Does not a wage which will provide sufficient food have as close a relation to health as hours of labor do? We think so.

If we may accept the House Committee's report, an evil existed. The workers, by reason of the law of competition, were unable to remove it. They were compelled to submit or go without work. "Necessitous men," says Lord Chancellor Nothington, "are not, truly speaking, free men." Vernon vs. Bethel, 2 Eden, 110, 113. Congress alone could apply the remedy.

Suppose the women engaged in the different lines covered by the order in question were each paid only $6.00 per week while $16.50 per week were necessary to feed, clothe and shelter each, and their employers could afford to pay $16.50 a week but would not pay it because under the law of supply and demand women had to work for that wage or starve, should not the government have the power, in the interests of the community, if not of humanity, to interpose and compel the payment of a living wage. The choicest function of government is to protect the weak against the unrighteous acts of those who are strong economically or physically. Would it be just to permit an employer to exact from a woman $16.50 worth of work for $6.00 simply beacuse he had the power to do so? We think not.

Congress in pursuance of the Constitution (Art. 1, Sec. 8) has authority to pass a protective tariff law for the purpose of guarding industries against foreign competition, to the end that their owners may be able to exact higher prices for the output of the in-
54 dustries than they could secure if foreign competition was permitted. This authority is not conferred specifically, but under the power to collect taxes, duties, inposts, and excises, and to regulate commerce with foreign nations it is inferred. Arnold vs. United States, 147 U. S. 494; United States vs. American Express Co., 177 Fed. 735. Unless it be dangerous to intrust Congress with the power to increase the price which Manufacturers may charge for their commodities by restricting competition, it should not be dangerous to clothe it with power to reasonably increase the wages of working women and minor girls by the same process.

Much was said during the argument at the bar to the effect that if this statute is sustained it will lead to sovietism, general price-fixing, and so forth. When statutes having that effect come up for judgment we shall deal with them. It is no part of our duty to engage in speculation concerning them now. "Our present duty," says Mr. Justice McKenna, "is to pass upon the statute before us, and if it has been enacted upon a belief of evils that is not arbitrary we cannot measure their extent against the estimate of the legislature. McLean vs. Arkansas, 211 U. S. 539." Tanner vs. Little, 240 U. S. 369, 385. Se- also Central Lumber Co. vs. South Dakota, 226 U. S. 157, 160, and Purity Extract Co. vs. Lynch, 226 U. S. 192, 204, 205.

Concerning sovietism, however, we may say that we do not think the upholding of the Act will have the tendency claimed. On the contrary, we are convinced the opposite effect will be produced, because the decision will demonstrate that this Government, as framed by the Fathers, has ample power, and those invested with that power have the disposition, to protect the weak against the strong by administering justice to both. If the power did not exist and the government could not interfere but would have to stand supinely by while wrong dominated right, there might be some basis for the contention that a change is necessary in our institutions; but with the recognition of the power, virile and efficient, the contention loses all force it might otherwise have.

55 It appears to us conclusively that a minimum wage has a real and substantial relation to the health and morals of women and minor girls who work, and that Congress by providing for the establishment of such a wage in the manner outlined in the statute has not acted arbitrarily or spoliatively, but clearly within the limits of the police power with which it is intrusted.

Finding no error in the decree, it is affirmed in all respects, at the cost of the appellant.

Affirmed.

CONSTANTINE J. SMYTH,
Chief Justice.

Mr. Justice Stafford, of the Supreme Court of the District, sat in the place of Mr. Justice Robb.

Endorsed: No. 3438. The Children's Hospital of the District of Columbia, a corporation, Appellant, vs. Jesse C. Adkins, Ethel M. Smith, John J. Newbold, Constituting the Minimum Wage Board of the District of Columbia. Opinion of the Court per Mr. Chief Justice Smyth. Court of Appeals. District of Columbia. Filed June 6, 1921. Henry W. Hodges, Clerk.

56 In the Court of Appeals of the District of Columbia.

No. 3467.

WILLIE A. LYONS, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia.

This is a companion appeal of No. 3,438, The Children's Hospital of the District of Columbia vs. Jesse C. Adkins, Ethel M. Smith, et al., this day decided. It too involves the constitutionality of the Minimum Wage Act (40 Stat. 960). The only difference between it and that case is that here appellant is an employee of a hotel, while there the appellant was an employer, but the legal principles applicable are the same. The decision in that case rules this. Consequently the decree of the trial court is affirmed at the cost of the appellant.

Affirmed.

CONSTANTINE J. SMYTH,
Chief Justice.

Mr. Justice Stafford, of the Supreme Court of the District, sat in the place of Mr. Justice Robb.

(Endorsed:) No. 3467. Willie A. Lyons, Appellant, vs. Jesse C. Adkins, et al. Opinion of the Court per Mr. Chief Justice Smyth. Court of Appeals, District of Columbia. Filed Jun. 6, 1921. Henry W. Hodges, Clerk.

57 In the Court of Appeals of the District of Columbia.

No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia.

Concurring Opinion.

In this case, which is brought to contest the constitutionality of the minimum wage law for women from the standpoint of the employer, the same observations are pertinent that have been made in the companion case brought by an employe. In addition it need only be said that the asserted right of the employer to be served by any one who is willing to work for him, and at any wage the worker is willing to accept, must be subordinate to the right of the public to see that those women who are obliged to work for a living shall not be obliged to work for less than a living. For this and the reasons given in the preceding case I think the judgment should be affirmed.

WENDELL P. STAFFORD,
Justice.

Mr. Justice Stafford of the Supreme Court of the District of Columbia sat in the place of Mr. Justice Robb.

Endorsed: No. 3438. The Children's Hospital of The District of Columbia, &c., Appellant, vs. Jesse C. Adkins, et al. Concurring Opinion by Mr. Justice Stafford. Court of Appeals. District of Columbia. Filed June 6, 1921. Henry W. Hodges, Clerk.

58 In the Court of Appeals of the District of Columbia.

No. 3467.

WILLIE A. LYONS, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia.

Concurring Opinion.

Although I concur entirely in the opinion of the Chief Justice, I think it well to make a brief statement of my view. This case is

brought by, and presented from the standpoint of, a woman employe. The minimum-wage law for women, the constitutionality of which is challenged in this case, is an act passed in the public interest, and by way of protection to a class which might reasonably be considered as needing protection, viz., the women who must labor in order to live. It would seem that the right of this class to live on a barely decent level, and the right of the public to have them so live, should outweigh the right of those who do not need to work in order to live, and who therefore are merely asserting a right to earn money and thereby accumulate property. If a woman is willing to work for less than a decent-living wage it must be because she has other means of livelihood, or because she is willing to live below that level. She ought not to be allowed to live below that level, if that means that the woman beside her, who is trying to live decently, will be dragged down with her. If she has other means of livelihood, then she ought not so to compete with those who have none that they will be reduced to squalor or required to resort to immoral means of living. The public interest in the purposes of the act is too obvious to call for explanation or comment. Congress has made this law with the declared purpose of protecting and promoting the public health, morals and welfare, by making it illegal to employ women at a wage which will not afford them a decent living. The machinery provided is for the purpose of ascertaining the lowest decent-living wage. We must assume that such ascertainment is possible, and that in a given case it has been reached, unless it is alleged and shown, that the action taken
59 is arbitrary, confiscatory or otherwise high-handed; and no such allegation is here made, although the case presented appears to be one of those cases of individual hardship which are possible under any law.

WENDELL P. STAFFORD,
Justice.

Mr. Justice Stafford of the Supreme Court of the District sat in place of Mr. Justice Robb.

(Endorsed:) No. 3467. Willie A. Lyons, appellant, vs. Jesse C. Adkins et al. Concurring opinion by Mr. Justice Stafford. Court of Appeals, District of Columbia. Filed Jun. 6, 1921. Henry W. Hodges, Clerk.

60 Monday, June 6th, A. D. 1921.

* * * * * * *

April Term, 1921.

No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Supreme Court in this cause be and the same is hereby affirmed with costs.

Per MR. CHIEF JUSTICE SMYTH,
June 6, 1921.

Mr. Justice Stafford concurring.
Mr. Justice Van Orsdel dissenting.

61 Monday, June 6th, A. D. 1921.

* * * * * * *

April Term, 1921.

No. 3467.

WILLIE A. LYONS, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Supreme Court in this cause be and the same is hereby affirmed with costs.

Per MR. CHIEF JUSTICE SMYTH,
June 6, 1921.

Mr. Justice Stafford concurring.
Mr. Justice Van Orsdel dissenting.

62 In the Court of Appeals of the District of Columbia.

No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Appellant,

v.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appellees.

Petition for Rehearing.

Now comes the appellant, by its counsel, and respectfully petitions this Court for a rehearing and reargument of the above entitled cause for the reasons hereinafter appearing.

I.

This was argued on the 14th day of February, 1921, before Chief Justice Smyth, Justice Van Orsdel, and Justice Stafford, sitting in the place of Justice Robb, temporarily absent.

Shortly before the time of the hearing, a voluminous brief was filed by Felix Frankfurter, who was acting as Special Counsel
63 for the Minimum Wage Board. Leave was given to appellant to file a reply brief, which was filed shortly after the hearing. Several weeks after all briefs were in and the case was finally submitted, the Supreme Court of the United States decided a case of great importance, involving points vital to the controversy in this proceeding. We refer to the case of Block v. Hirsh, decided April 18, 1921, relating to the validity of the Ball Rent Act for the District of Columbia. The opinion of the Supreme Court in that case was one of the most important handed down in recent times, involving as it did an interpretation of the Fifth and Fourteenth Amendments with relation to the power to fix prices by legislative action. We have had no opportunity to present to this Court the effect of that decision upon the issues in the present case, and we respectfully urged that in a matter of such serious moment as is the present question we should be allowed to present to this Court on rehearing and reargument a discussion of the determination of the Supreme Court of the United States in that case.

While the Supreme Court in Block v. Hirsh reversed this Court and held the Ball Act valid, the ground of the reversal and the limitations pointed out in the decision are so significant to the controversy now before the Court as to have, in our judgment,
64 controlling weight upon the question here presented. The Ball Rent Act provided in substance that the right of a tenant to occupy any rented property should continue notwithstanding the expiration of his term, subject to regulation of the rent by the Commission established by the Act, and this provision was

justified by Congress by the declaration that "it was made necessary by emergencies growing out of the war, embarrassing the Federal Government in the transaction of the public business," and was expressly limited to the time of the emergency, which was fixed at two years. It was contended that the Act was a violation of the Fifth Amendment as a deprivation of the rights of liberty and property, because it provided for the fixing of the price for the use of property, thus interfering with the liberty of contract.

To this contention the Supreme Court answered in language that has a direct bearing upon the case at bar. The Court says:

"The regulation is put and justified only as a temporary measure."

The Court then cited two cases where similar temporary measures had been sustained, Wilson v. New, 243 U. S. 332; Fort Smith & Western R. R. Co. v. Mills, 253 U. S. 206. It is important to note
that these two decisions related to temporary wage regulations,
65 and that the regulations sustained were justified only because, first, they were in the exercise of the power of Congress over interstate commerce; and, second, were temporary expedients to meet a crisis in interstate transportation, and were not intended to be permanent.

To make this clear, it is desirable to cite a few passages from the opinion in Wilson v. New, 243 U. S. 332. The language quoted, we submit, is most significant in its bearing upon the question presented in the case at bar, especially in view of the fact that this case is one of the two relied upon by the Supreme Court to sustain its position in the Block case. At page 345, the Court after referring to the power to fix an eight-Hour day and the power to continue wages in effect for a limited time, said:

"There is a very broad difference between the two powers exerted. The first, the eight-hour standard, is permanently fixed. The second, the fixing of the wage standard resulting from the prohibition against paying lower wages, is expressly limited to the time specified in Section 2. (Six months). It is, therefore, not permanent but temporary, leaving the employers and employees free as to the subject of wages to govern their relations by their own agreements after the specified time."

Again, at page 346, the Court stated the problem before it in this way:

"The question is this: Did Congress have power, under the
66 circumstances stated, that is, in dealing with the dispute between the employers and employees as to wages, to provide a permanent eight-hour standard and to create by legislative action a standard of wages to be operative upon the employers and employees for such reasonable time as it deemed necessary to afford an opportunity for the meeting of the minds of employers and employees on the subject of wages? Or, in other words, did it have the power, in order to prevent the interruption of interstate commerce, to exert its will to supply the absence of a wage scale resulting from

the disagreement as to wages between the employers and employees, and to make its will on that subject controlling for the limited period provided for?

(The quotations given are found on the pages cited by the Supreme Court in Block v. Hirsh in referring to Wilson v. New.)

The Court then put aside the question of the right to fix hours of labor as having previously been settled. Coming to the question of the right to meet temporary emergency in transportation in interstate commerce, the Court said:

"* * * conceding that, from the point of view of the private right and private interest, as contradistinguished from the public interest, the power exists between the parties, the employers and employees, to agree as to a standard of wages free from legislative interference, that right in no way affects the lawmaking power to protect the public right and create a standard of wages resulting from
67 a dispute as to wages and a failure therefore to establish by consent a standard."

And again:

"And this emphasizes that there is no question here of purely private right, since the law is concerned only with those who are engaged in a business charged with a public interest, where the subject dealt with as to all the parties is one involved in that business, and which we have seen comes under the control of the right to regulate to the extent that the power to do so is appropriate or relevant to the business regulated."

To leave the matter beyond doubt, the Court (page 347), after referring to the extent of power to regulate interstate commerce and prevent stoppage of interstate tranportation, said:

"It is also equally true that as the right to fix by agreement between the carrier and its employees a standard of wages to control their relations is primarily private, the establishment and giving effect to such agreed-on standard is not subject to be controlled or prevented by public authority."

The other opinion cited by the Supreme Court in the Block case is Fort Smith & Western R. R. Co. v. Mills, 253 U. S. 206. In that case the Adamson Law again came before the Supreme Court. Mr. Justice Holmes, delivering the opinion of the Court, expressly
68 limited the decision of Wilson v. New to the action of Congress exerted under its power to regulate commerce among the States, and for the purpose of tiding the country over a trouble that was temporary only. Mr. Justice Day, Mr. Justice Van Devanter, Mr. Justice Pitney, and Mr. Justice McReynolds agreed with this decision limiting the effect of the Adamson Law as stated. The Court in Ft. Smith & Western R. R. Co. v. Mills, sustained an agreement between the employer and employee, notwithstanding the Adamson Act, for less wages than those fixed by the Act.

The decisions of the Supreme Court in the two Adamson cases cited with approval in the recent Ball Rent Act case so clearly negative the right of Congress to fix wages in private business as a permanent measure that there can now be little room for doubt as to the view of the Supreme Court of the United States on the validity of a permanent wage law. Not only is this inference justified by the cases cited, but in the very Block case itself, the Supreme Court uses this most emphatic language:

"A limit in time, to tide over a passing trouble, well may justify a law that could not be upheld as a permanent change."

The law now before this Court is a permanent change. We respectfully ask a reconsideration by this Court of its opinion on this subject in view of the latest expression of the Supreme Court
69 of the United States.

II.

No consideration is given in the opinion to the right to injunction, restraining the enforcement of the penalty provisions of the Minimum Wage Law until a final determination of the question of validity by the highest Court, notwithstanding that the majority of the Court is of opinion that the law is constitutional.

We beg to call attention to the case of Oklahoma Operating Co. v. Love, 252 U. S. 331, where the Supreme Court reversed the lower Court for not granting a temporary injunction restraining the enforcement of penalties until the case could be decided by the highest Court, notwithstanding that the lower court was of the opinion that the law was constitutional. The Court further stated:

"If upon final hearing, the maximum rates fixed should be found not to be confiscatory, a permanent injunction should nevertheless, issue to restrain enforcement of penalties accrued pendente lite, provided that it also be found that the plaintiff had reasonable ground to contest them as being confiscatory."

There can be no question but that the appellant in the case at bar has reasonable ground to contest the validity of the Mini-
70 mum Wage Law.

While the case above cited relates to the validity of an order on the ground that it constitutes a confiscation of property, the decision is based upon a long line of cases, beginning with Ex Parte Young (209 U. S. 123), in which cases, on many occasions, the Courts have enjoined the enforcement of penalty provisions of laws pending a final determination by the highest court, where injunction was sought because the only opportunity to test the law otherwise was by a violation and consequent heavy penalties, which acted as an effective deterrent.

While the cases of Ex Parte Young and the Oklahoma Operating Co. v. Love related to confiscatory rates, the same principle would apply to a law interfering with freedom of contract. Indeed, this

was expressly stated by the Supreme Court of the United States in Truax v. Raich, 239 U. S. 33.

The position we are urging is precisely the one taken by Baker and Page, Circuit Judges, and Anderson, District Judge, in Vandalia Coal Co. v. Special Coal & Food Commission of Indiana, 268 Fed. 572. In that case the sole question was whether an injunction should be granted pending a test of the law in the highest court. Among other things, the Court said:

"There is a fifth ground for granting the temporary in-
71 junction, in the showing of threats made by the Commission to exact the penalties. We should agree with the state that this ground for a temporary injunction, or any injunction, would not be tenable if we were enabled to read section 11 of the act with the same understanding that counsel for the state and the coal commission put upon it; but, as we read that section, we find no definite assurance that penalties, or prosecutions for penalties, will be suspended a day longer than the final decision in the Marion circuit court. There is no direct and clear, definite, positive assurance that the penalties, or other penalizing means, would be held in abeyance until the question had been carried to the highest court to which it can be carried."

In view of these decisions, we respectfully urge that we be given an opportunity to present to the Court our right to injunction pendente lite to restrain the enforcement of the penalty provisions of the Minimum Wage Law until a decision can be reached by the Supreme Court of the United States.

III.

This Court in the majority opinion has apparently made no distinction whatever between regulation of wages of minors and regulation of wages of adults. We respectfully urge that there is a most important distinction which goes to the very foundation of this case.

The regulation of the wages of minors is fully justified under
72 the Constitution because minors are the wards of the State and manifestly may be forbidden to make any contracts whatever, as, indeed, they are generally so forbidden. Adult women, on the other hand, are not wards of the State, but are citizens entitled to the protection of the Constitution as much as are men. We respectfully ask a consideration of this case with reference to the right to fix wages of adult citizens under the Fifth and Fourteenth Amendments separate and a part from the right of Congress or legislative bodies to regulate the conduct and contracts of wards of the State.

Wherefore, We pray that this case may be set down for rehearing and reargument, and that the mandate may be stayed until such rehearing is had and decision thereon rendered.

CHALLEN B. ELLIS,
Attorney for Appellant.

JOS. W. FOLK,
Of Counsel.

73 [Endorsed:] In the Court of Appeals of the District of Columbia. No. 3438. The Children's Hospital of the District of Columbia, a Corporation, Appellant, v. Jesse C. Adkins, et al., Appellees. Copy. Court of Appeals District of Columbia. Petition for Rehearing. Filed Jun. 14, 1921. Henry W. Hodges, Clerk. Law Offices, Ellis, Ferguson & Colquitt, Southern Building, Washington.

74 In the Court of Appeals of the District of Columbia.

No. 3467.

WILLIE A. LYONS, Appellant,

v.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN L. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appellees.

Petition for Rehearing.

Now comes the appellant, by her counsel, and respectfully petitions this Court for a rehearing and reargument of the above entitled cause for the reasons set forth in the petition for rehearing in No. 3438, The Children's Hospital of the District of Columbia v. Jesse C. Adkins, et al., and prays that the case may be set down for rehearing and reargument, and that the mandate may be stayed until such rehearing is had and decision rendered thereon.

CHALLEN B. ELLIS,
Attorney for Appellant.

JOS. W. FOLK,
Of Counsel.

75 [Endorsed:] No. 3467. Willie A. Lyons, Appellant, vs. Jesse C. Adkins, et al., Appellees. Petition for Rehearing. Court of Appeals, District of Columbia. Copy. Filed Jun. 14 1921. Henry W. Hodges, Clerk. Law offices Ellis, Ferguson & Colquitt, Southern Building, Washington.

76 MEMORANDUM.—Copies of petitions for rehearing mailed by the Clerk to the Chief Justice, Justice Robb, Justice Van Orsdel and Justice Stafford.

77 Wednesday, June 22nd, A. D. 1921.

* * * * * * *

April Term, 1921.

No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Appellant,

vs.

JESSE C. ADKINS et al.

On consideration of the petition for a rehearing in the above entitled cause, It is ordered that said petition be and the same is hereby denied, and that the mandate be stayed until further order.

And it is further ordered that an injunction may issue, pending an appeal to the Supreme Court of the United States (if such appeal be prosecuted with diligence) restraining appellees from enforcing or attempting to enforce the act in issue, on giving bond, satisfactory to the Court, to pay all damages which any employee of appellant may sustain by reason of such injunction, with leave to said employees to unite in one action on the bond if so advised.

Per MR. CHIEF JUSTICE SMYTH,
June 22, 1921.

78 Wednesday, June 22nd, A. D. 1921.

* * * * * * *

No. 3467.

WILLIE A. LYONS, Appellant,

vs.

JESSE C. ADKINS et al.

On consideration of the petition for a rehearing in the above entitled cause, It is ordered by the Court that said petition be and the same is hereby denied, and that the mandate be stayed until further order.

79 MEMORANDUM.—The foregoing orders denying a rehearing were made upon letters to the Clerk from Chief Justice Smyth and Justice Stafford directing their entry.

MEMORANDUM.—July 6. Justice Van Orsdel, by letter to the Clerk, voted to sustain motions for rehearing.

MEMORANDUM.—July 9. Justice Robb, by letter to the Clerk, voted to sustain motions for rehearing.

80 In the Court of Appeals of the District of Columbia.

No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Appellant,

v.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appellees.

Motion to Set Aside Order Denying Rehearing.

Comes now the appellant, by its counsel, and moves the Court to set aside and vacate the order passed herein on the 22nd day of June, 1921, denying a motion for a rehearing theretofore filed by the appellant, on the ground that said order denying said motion was not passed upon or concurred in by a majority of the members of this Court as constituted at the time said order was entered or at the time said motion for a rehearing was filed.

CHALLEN B. ELLIS,
Attorney for Appellant.

JOS. W. FOLK,
Of Counsel.

Service of the foregoing motion acknowledged, this 11th day of July, 1921.

(Signed) F. H. STEPHENS,
Corporation Counsel.

81 [Endorsed:] No. 3438. In the Court of Appeals of the District of Columbia. The Children's Hospital, etc., Appellant, v. Jesse C. Adkins, et al., Appellees. Motion to set Aside Order Denying Rehearing. Court of Appeals, District of Columbia. Copy. Filed Jul. 11 1921. Henry W. Hodges, Clerk. Law offices Ellis, Ferguson & Colquitt, Southern Building, Washington.

82 In the Court of Appeals of the District of Columbia.

No. 3467.

WILLIE A. LYONS, Appellant,

v.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appellees.

Motion to Set Aside Order Denying Rehearing.

Comes now the appellant, by her counsel, and moves the Court to set aside and vacate the order passed herein on the 22nd day of

June, 1921, denying a motion for a rehearing theretofore filed by the appellant, on the ground that said order denying said motion was not passed upon or concurred in by a majority of the members of this Court as constituted at the time said order was entered or at the time said motion for a rehearing was filed.

CHALLEN B. ELLIS,
Attorney for Appellant.

JOS. W. FOLK,
Of Counsel.

Service of the foregoing motion acknowledged, this 11th day of July, 1921.

(Signed) F. H. STEPHENS,
Corporation Counsel.

83 [Endorsed:] No. 3467. In the Court of Appeals of the District of Columbia. Willie A. Lyons, Appellant, v. Jesse C. Adkins, et al., Appellees. Motion to Set Aside Order Denying Rehearing. Court of Appeals, District of Columbia. Copy. Filed Jul. 11, 1921. Henry W. Hodges, Clerk. Law offices Ellis, Ferguson & Colquitt, Southern Building, Washington.

84 Wednesday, July 13th, A. D. 1921.

* * * * * * *

No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Appellant,

vs.

JESSE C. ADKINS et al.

On consideration of the appellant's motion for a rehearing in the above entitled cause, it is by the Court this day ordered that said motion be, and the same is hereby granted, and that this cause be and the same is hereby restored to the Calendar for rehearing in due course. Mr. Chief Justice Smyth dissenting.

85 Wednesday, July 13th, A. D. 1921.

* * * * * * *

No. 3467.

WILLIE A. LYONS, Appellant,

vs.

JESSE C. ADKINS et al.

On consideration of the appellant's motion for a rehearing in the above entitled cause, it is by the Court this day ordered that said motion be, and the same is hereby granted, and that this cause be

and the same is hereby restored to the Calendar for rehearing in due course. Mr. Chief Justice Smyth dissenting.

86 MEMORANDUM.—The foregoing orders granting a rehearing were entered upon the above letters from Justice Robb, dated July 9, and from Justice Van Orsdel, dated July 6, directing their entry.

87 In the Court of Appeals of the District of Columbia.

Equity. No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Respondents,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOSEPH A. BERBERICH, Constituting the Minimum Wage Board of the District of Columbia, Defendants.

Motion to Set Aside the Order Granting Rehearing.

Now comes the defendant in the above entitled cause by its attorney and moves the Court to set aside and annul the order of July 13th, 1921, granting the motion for a rehearing in the above cause and to restore the order of June 22d denying the motion for a rehearing, or to pass a new order denying said motion.

For grounds for the foregoing motion, defendant says that the judges who sat in the argument of this cause, including the temporary judge called from the Supreme Court of the District of Columbia, and no other, have the jurisdiction or authority to pass upon the said motion for a rehearing and that the authority of the said judges, including the temporary judge, subsist until the final determination of the cause.

F. H. STEPHENS,
Attorney for Defendants.

Service of motion & memorandum acknowledged this 26th day of September, 1921.

CHALLEN B. ELLIS,
By A. H. FERGUSON,
Atty. for Appellant.

Endorsed: No. 3438. Children's Hospital of the District of Columbia, a corporation, vs. Jesse C. Adkins, et al., defendants. Motion to set aside the order granting rehearing. Court of Appeals, District of Columbia. Filed Sep. 26, 1921. Henry W. Hodges, Clerk.

88 In the Court of Appeals of the District of Columbia.

Equity. No. 38293.

No. 3467.

WILLIE A. LYONS, Plaintiff,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOSEPH A. BERBERICH, Constituting the Minimum Wage Board of the District of Columbia, Defendants.

Motion to Set Aside the Order Granting Rehearing.

Now comes the defendant in the above entitled cause by its attorney and moves the Court to set aside and annul the order of July 13th, 1921, granting the motion for a rehearing in the above cause and to restore the order of June 22nd, denying the motion for a rehearing, or to pass a new order denying said motion.

For grounds for the foregoing motion, defendant says that the judges who sat in the argument of this cause, including the temporary judge called from the Supreme Court of the District of Columbia, and no other have the jurisdiction or authority to pass upon the said motion for a rehearing and that the authority of the said judges, including the temporary judge subsists until the final determination of the cause.

F. H. STEPHENS,
Attorney for Defendants.

Service of motion & memorandum acknowledged this 6th day of Oct., 1921.

CHALLEN B. ELLIS,
Attorney for Appellant.

89 [Endorsed.] No. 3467. Court of Appeals, D. C. Equity No. 38293. Willie A. Lyons, vs. Jesse C. Adkins, et al. Motion to set aside the order granting rehearing. Copy. Court of Appeals, District of Columbia. Filed Oct. 6, 1921. Henry W. Hodges, Clerk. Francis H. Stephens, Corporation Counsel, Attorney for Defendants.

90 Friday, October 7th, A. D. 1921.

* * * * * * *

No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, &c., Appellant,

vs.

JESSE C. ADKINS et al.

and

No. 3467.

WILLIE A. LYONS, Appellant,

vs.

JESSE C. ADKINS et al.

On consideration of the motion to set aside the order granting a rehearing in the above entitled causes, it is ordered by the Court that said motion be and the same is hereby denied. Mr. Chief Justice Smyth dissents.

91 Monday, October 10th, A. D. 1921.

* * * * * * *

No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia,

and

No. 3467.

WILLIE A. LYONS, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia.

On motion, leave is granted the appellees to file an additional brief herein. The reargument in the above entitled causes was commenced by Mr. C. B. Ellis, attorney for the appellants.

92 Tuesday, October 11th, A. D. 1921.

* * * * * * *

No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia,

and

No. 3467.

WILLIE A. LYONS, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia.

The reargument in the above entitled causes was continued by Mr. C. B. Ellis, attorney for the appellants, and by Mr. Felix Frankfurter, attorney for the appellees, and was concluded by Mr. J. W. Folk, attorney for the appellants. On motion the appellants are allowed to file a copy of the oral argument herein.

93 Court of Appeals of the District of Columbia.

No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation, Appellant,

v.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appellees.

No. 3467.

WILLIE A. LYONS, Appellant,

v.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appellees.

Opinion.

Mr. Justice VAN ORSDEL delivered the opinion of the Court:

These cases present the question of the constitutionality of the Minimum Wage Law of the District of Columbia, Act of Congress, September 19, 1918, 40 Stat., L., 960.

By the act in question, the Commissioners of the District of Columbia were authorized to appoint a minimum wage board composed of three members. This board is vested with power, after investigation as provided in the statute, to fix the minimum wages to be paid women employees in any occupation in the District of Columbia, where the board from its investigation is of opinion that women workers are receiving inadequate wages. The act also provides that after a minimum wage has been fixed, any employer or agent, or any officer, director, or agent of any corporation, refusing to comply with the order of the board, shall be guilty of a criminal offense and upon conviction punished by fine or imprisonment, or both.

By a further provision of the act, the decision of the board, fixing a minimum wage, is made final, and no appeal to the courts from such decision is allowed except upon error of law. The board is given authority to examine the books of every individual or corporation, employing women in the District of Columbia, to ascertain the names of women employees and the wages paid, a register of which every employer is required to keep. It is made a criminal offense for any employer or his agent to discharge or discriminate in any manner against any employee who serves, or is about to serve on any conference called by the board, or who has testified or is about to testify at any conference, or any employee whom the employer believes may serve on any conference or may testify "in any investigation or proceedings under or relative to this act."

Section 13, of the act, provides: "That for any occupation in which only a minimum time-rate wage has been established, the board may issue to a woman whose earning capacity has been impaired
94 by age or otherwise, a special license authorizing her employment at such wage less than such minimum time-rate wage as shall be fixed by the board and stated in the license."

In case No. 3438, The Children's Hospital, a District of Columbia corporation, seeks to perpetually restrain the minimum wage board from enforcing an order requiring it to pay its women employees not less than $16.50 per week, or $71.50 per month. In case No. 3467, the appellant, Willie A. Lyons, was operating an elevator in the Congress Hotel in the City of Washington, at a wage of $35 per month and two meals per day, when the board issued an order forbidding any hotel keeper to employ a woman or minor girl "at a rate of wages of less than 34½ cents per hour, $16.50 per week, or $71.50 per month." It is to restrain the enforcement of this order that appellant Lyons filed her bill in the court below.

From decrees of the Supreme Court of the District of Columbia dismissing the bills, these appeals are prosecuted.

We will not stop to analyze the records in these cases for the purpose of determining the sufficiency of the averment to sustain the prayers for extraordinary relief. The single question presented, involves the power of Congress, in the light of the limitations of the Constitution of the United States, to enact this legislation. If the act is constitutional, unquestionably the averments are not sufficient

to justify the interposition of equity; but any attempt to enforce an unconstitutional law, resulting in an invasion of property rights, is subject to equitable restraint. Truax v. Raich, 239 U. S., 33. The constitutionality of the act is assailed upon the theory that the power exerted extends to the regulation and limitaiton of the freedom of contract between private individuals, and that it is the initial step toward unlimited Federal price-fixing legislation.

The act clearly was neither passed to meet a temporary emergency, nor "to tide over a passing trouble." Its interpretation may be pursued without reference to the modern rule of emergency resorted to in support of certain so-called war legislation; nor does it appear that any situation has arisen in the District of Columbia, in respect of women workers, which has become so "publicly notorious" as to justify the inference of an emergency. True, Congress declared the purpose of the act to be "to protect the women and minors of the District from conditions detrimental to their health and morals resulting from wages which are inadequate to maintain decent standards of living." It then undertakes to direct the interpretation of the act and forbids appeal to the courts, except upon questions of law. While statements of fact by a legislature, as an inducement for the enactment of a law, are entitled to respect, they are by no means conclusive upon the courts; nor are the limitations upon interpretation and appeal, since the courts will have the last word in the event of any arbitrary action on the part of the board in carrying out the provisions of the act.

Another contention may be disposed of in a word. True, a number of states have enacted similar laws and they have generally been upheld by the state courts, but that by no means forecloses consideration of the present case. In Coppage v. Kansas, 236 U. S., 1, the court condemned an act making it a criminal offense for an employer to prevent, by contract, his employees joining labor unions, notwithstanding such laws existed in thirteen states and the territory of Porto Rico.

We are here called upon to weigh the subject-matter of certain legislation in the balance of the Constitution, the general power of Congress to fix wage contracts between private individuals. If Congress may establish a minimum wage for women, it may establish a maximum wage, or it may name a fixed wage. If it may regulate wages for women, it may by the exercise of the same power establish the wages to be paid men. The power of Congress to fix wages between private individuals is either constitutional or unconstitutional. There is no leeway for legislative or judicial discretion. A fundamental principle is involved; and it does not lie in the courts to declare a law fixing the wages of women constitutional and a law fixing the wages of men unconstitutional. The moral stimulus in the one instance is no greater than in the other. If higher wages are essential to preserve the morals of women, they are equally essential to preserve the morals of men.

This leads to another angle. If the law is to be equitably enforced, it requires a most careful and judicious inquiry by the board into living conditions—the cost of rent, clothes, food and recreation.

If the power, therefore, exists to fix wages in the interest of good morals and the promotion of the general welfare, the power must likewise be conceded to fix the prices of all commodities entering into the determination of an equitable wage. In no other way can justice be accorded. The wage fixed for an employer to pay his employee can not be justified if based upon the unrestrained prices which the employee may have to pay the merchant for food and clothes, or the landlord for rent. The logical result of such a course relegates the whole matter of prices to the realm of legislation.

The liberty protected by the Fifth and Fourteenth Amendments to the Constitution includes the freedom of contract and the right to contract with relation to one's business. "It is undoubtedly true, as more than once declared by this court, that the general right to contract in relation to one's business is part of the liberty of the individual, protected by the Fourteenth Amendment." Muller v. Oregon, 208 U. S., 412, 421. In Coppage v. Kansas, 236 U. S., 1, 14, the court, affirming the doctrine announced in the Muller case, said: "The principle is fundamental and vital. Included in the right of personal liberty and the right of private property—partaking of the nature of each—is the right to make contracts for the acquisition of property. Chief among such contracts is that of personal employment, by which labor and other services are exchanged for money or other forms of property. If this right be struck down or arbitrarily interfered with, there is a substantial impairment of liberty in the long-established constitutional sense. The right is as essential to the laborer as to the capitalist, to the poor as to the rich; for the vast majority of persons have no other honest way to begin to acquire property, save by working for money."

The public safety and welfare may justify the legislature in limiting the hours of labor in mines and other hazardous industries, and require safeguards to be employed in conducting dangerous
95 occupations. Such regulations, however, affect only the mode of operation and do not invade the domain of prices. They are easily distinguished from the purely economic question of how much the employer shall pay the employee for his services. In one case the business conducted is so inherently dangerous that its regulation, as to methods of operation, becomes a valid exercise of the police power. The public health and safety demand, not that the business be confiscated, not that proprietorship therein be curtailed or limited, not that the economic control thereof may be in the least affected, but that the business be so conducted that the public health and safety may not be seriously endangered.

Legislation tending to fix the prices at which private property shall be sold, whether it be a commodity or labor, places a limitation upon the distribution of wealth and is aimed at the correction of the inequalities of fortune which are inevitable under our form of government, due to personal liberty and the private ownership of property. These principles are embodied in the Constitution itself, and to interfere with their freedom of operation is to deprive the citizen of his constitutional rights. In other words, regardless of public sentiment or popular demand, such a radical change, if deemed

necessary, should not be accomplished by legislative enactment or judicial interpretation, but by way of amendment in the orderly way provided.

Alexander Hamilton, whose keen vision seems to have forecast the dangers that would arise in the future, threatening the stability and the life of the republic, left a timely warning against attempted legislative or judicial amendment in response to public clamor. He declared it to be a "fundamental principle of republican government, which admits the right of the people to alter or abolish the established Constitution, whenever they find it inconsistent with their happiness, yet it is not to be inferred from this principle, that the representatives of the people, whenever a momentary inclination happens to lay hold of a majority of their constituents, incompatible with the provisions in the existing Constitution, would, on that account, be justifiable in a violation of those provisions; or that the courts would be under a greater obligation to connive at infractions in this shape, than when they had proceeded wholly from the cabals of the representative body. Until the people have, by some solemn and authorative act, annulled or changed the established form, it is binding upon themselves collectively, as well as individually; and no presumption, or even knowledge, of their sentiments, can warrant their representatives in a departure from it, prior to such an act. But it is easy to see, that it would require an uncommon portion of fortitude in the judges to do their duty as faithful guardians of the Constitution, where legislative invasions of it had been instigated by the major voice of the community." The Federalist, Chap. 78.

The police power can not be employed to level inequalities of fortune. Private property can not by mere legislative or judicial fiat be taken from one person and delivered to another, which is the logical result of price-fixing. As was said by Mr. Justice Pitney, in the Coppage case: "But the Fourteenth Amendment, in declaring that a state shall not 'deprive any person of life, liberty or property without due process of law,' gives to each of these an equal sanction; it recognizes 'liberty' and 'property' as co-existent human rights, and debars the states from any unwarranted interference with either. And since a state may not strike them down directly it is clear that it may not do so indirectly, as by declaring in effect that the public good requires the removal of those inequalities that are but the normal and inevitable result of their exercise, and then invoking the police power in order to remove the inequalities, without other objects in view. The police power is broad, and not easily defined, but it can not be given the wide scope that is here asserted for it, without in effect nullifying the constitutional guaranty."

In Frisby v. United States, 157 U. S., 160, 166, the court, after reviewing a number of instances in which the police power had been validly exercised, made the following pertinent exception: "The possession of this power by the government in no manner conflicts with the proposition that, generally speaking, every citizen has a right freely to contract for the price of his labor, services, or property."

But it is suggested that the act may be sustained, since Congress is legislating for a class. The constitutional limitations upon Con-

gress involve fundamental principles of human rights reserved to the whole people and not to any favored class of citizenship. They are for the protection alike of the rich and the poor, the strong and the weak, the high and the low, and may not, either by legislative or judicial fiat, be used to extend special protection or privileges to any particular class of citizens. No reason is apparent why the operation of the law should be extended to women to the exclusion of men, since women have been accorded full equality with men in the commercial and political world. Indeed, this equality in law has been sanctioned by constitutional amendment; and so fixed has the tendency in this direction become established in English speaking lands, that the opportunity for official and business preferment, upon complete equality with men, is limited only by the scope of her aspirations.

The right of Willie Lyons to contract her labor in any lawful calling is a property right, of which, if the property clauses of the constitution mean anything, she can not be deprived. When the minimum wage of $71.50 per month for women was fixed by the board in this District, Willie Lyons was operating an elevator in the Congress Hotel at a wage of $35 per month and two meals per day. As a result she lost her position. The law worked but one way. The hotel manager was not compelled to employ her at a fixed wage, and her position went to a man, who was willing to perform the service at a lower wage than that fixed by the Board. She was without the power to compel her employment, and, because of her inability to measure up to the minimum scale, the law to promote the good morals and general welfare of the community cast her adrift. She was not even in position to avail herself of the provisions of section 13, of the act, since she was fully qualified to perform the work for which she was employed. Her earning capacity as an elevator operator,
was not "impaired by age or otherwise." The only way,
96 therefore, by which she could have been saved from competi-
tive injury would have been to have fixed the minimum wage of elevator operators at $32.50 per month and two meals per day. Unless, therefore, the board is to be accorded arbitrary power, section 13 has no application to her case.

The sacredness of the right of the citizen to freely contract his labor was upheld in Adair v. United States, 208 U. S., 161, 174, where the court, speaking through Mr. Justice Harlan, said: "The right of a person to sell his labor upon such terms as he deems proper is, in its essence, the same as the right of the purchaser of labor to prescribe the conditions upon which he will accept such labor from the person offering to sell it. * * * In all such particulars the employer and employee have equality of right, and any legislation that disturbs that equality is an arbitrary interference with the liberty of contract which no government can legally justify in a free land."

We come now to the consideration of two recent cases upon which counsel for appellee chiefly rely. In Wilson v. New, 243 U. S., 332, known as the Adamson Law case, the court was considering a statute establishing an eight-hour working day for railway em-

ployees on interstate railroads, and incidentally providing that the then existing scale of wages should be continued in force until the parties could agree. The court clearly pointed out that the law constituted a regulation of a business impressed with a public interest. It affected an instrumentality of interstate commerce, the control of which, is expressly reserved to Congress in the Constitution. The court held that Congress not only had power to legislate for the protection of the public interest in keeping open the channels of commerce, but possessed authority to regulate matters incidental to the proper exercise of that power. In upholding the provisions of the act continuing the wage scale in force until the parties could agree, the court said: "And this emphasizes that there is no question here of purely private right since the law is concerned only with those who are engaged in a business charged with a public interest where the subject dealt with as to all the parties is one involved in that business and which we have seen comes under the control of the right to regulate to the extent that the power to do so is appropriate or relevant to the business regulated."

In no respect did the court even intimate that the power of Congress to fix wages for railway employees could be invoked, except where, through failure of agreement, commerce is jeopardized. The authority of Congress is expressed in the opinion in a single sentence: "Here again it is obvious that what we have previously said is applicable and decisive, since whatever would be the right of an employee engaged in a private business to demand such wages as he desires, to leave the employment if he does not get them and by concert of action to agree with others to leave upon the same condition, such rights are necessarily subject to limitation when employment is accepted in a business charged with a public interest and as to which the power to regulate commerce possessed by Congress applied and the resulting right to fix in case of disagreement and dispute a standard of wages as we have seen necessarily obtained."

The Adamson Law was not a wage-fixing statute and the court so held. The power of Congress to continue the wage scale in force, was limited to its power to legislate generally in respect to commerce, and to the failure of the parties to agree upon a satisfactory scale of wages. In no place is it intimated that Congress, even in the exercise of its delegated authority to regulate commerce, would have power to legislate upon the question of wages where an agreed scale existed.

In Block v. Hirsch, 256 U. S., 135, involving the validity of the Ball Rent Act for the District of Columbia, the court held the renting of property in the District of Columbia, under existing conditions, to be a business affected with a public interest. The act, however, was upheld only when the theory that the power to fix rentals is limited to an existing emergency. The act was held to be a temporary measure "made necessary by emergencies growing out of war * * * embarrassing the Federal Government in the transaction of the public business." This act was passed to correct an abuse which had become "publicly notorious," and the

emergency which had made this condition possible was held to justify the act. "The regulation is put and justified only as a temporary measure. See Wilson v. New, 243 U. S., 332, 345, 346. Fort Smith & Western R. R. Co. v. Mills, 253 U. S., 206. A limit in time, to tide over a passing trouble, well may justify a law that could not be upheld as a permanent change."

In the recent decision of the Supreme Court of the United States, Edgar A. Levy Leasing Co., Inc. v. Jerome Siegel,—U. S.—upholding the New York Rent Law, the court, placing its decision upon the same basis as in the Hirsch case, said: "In terms the acts envolved are 'emergency' statutes and, designed as they were by the legislature to promote the health, morality, comfort and peace of the people of the state, they are obviously a resort to the police power to promote the public welfare. They are a consistent interrelated group of acts essential to accomplish their professed purposes. The warrant for this legislative resort to the police power was the conviction on the part of the state legislators that there existed in the larger cities of the state a social emergency, caused by an insufficient supply of dwelling houses and apartments, so grave that it constituted a serious menace to the health, morality, comfort, and even to the peace of a large part of the people of the state. That such an emergency, if it really existed, would sustain a resort, otherwise valid, to the police power for the purpose of dealing with it can not be doubted, for, unless relieved, the public welfare would suffer in respects which constitute the primary and undisputed, as well as the most usual basis and justification, for exercise of that power."

We are of the opinion that the act can not be upheld upon the theory that the contracting for labor between private individuals is a business impressed with a public interest. Unlike the op-
97 eration of an elevator to handle indiscriminately the grain of the public, and the rates to be charged for such service, (Munn v. Illinois, 94 U. S., 113), or the trust relation arising from the depositing of funds in banks. (Noble State Bank v. Haskell, 219 U. S., 104), or the rates to be charged the public by insurance companies, (German Alliance Insurance Company v. Kansas, 233 U. S., 389), we are here dealing with a private business, conducted between private individuals, in which the public has no direct economic interest. It follows, therefore, that if the doctrine of "public interest" is to be extended to the point of fixing by law the rate at which the individual citizen may contract his labor, by placing a limitation upon the freedom of private contract between employer and employee, it is difficult to understand just where the limitations of the extension of police power may be reached. It amounts to converting the police power into a convenient experimental agency for distinguishing, extending or abrogating express limitations of the Constitution.

The difficulty arises, we think, from the failure to distinguish between legislative discretion and legislative power. A mere declaration of necessity assumes the existence of power to act, and where there is power, legislative discretion, in its exercise, will be accorded

favorable presumption; but if there is a total lack of power, no jurisdiction is resposed in the legislature to determine for itself the possession of the power, and a declaration to that effect is without persuasive force. As the court said, in Truax v. Raich, supra: "We have frequently said that the legislature may recognize degrees of evil and adapt its legislation accordingly, but underlying the classification is the authority to deal with that at which the legislation is aimed." We are here dealing with the power of Congress to restrict freedom of contract which is expressly guaranteed in the Constitution. In the Coppage case, the court held that "the mere restriction of liberty or of property rights can not of itself be denominated 'public welfare' and treated as a legitimate object of the police power; for such restriction is the very thing that is inhibited by the (Fourteenth) Amendment."

Coming now to the consideration of the vindication of the act as a proper exercise of the police power, we are of the opinion that it can not be upheld. High wages do not necessarily tend to good morals, or the promotion of the general welfare. The standard of virtue and morality is no higher among the prosperous than among the poor. Their worth can not be measured in dollars and cents, or promoted by a legal subsidy. Never have wages been so high as since the outbreak of the late war, and never in the history of the republic has crime been so universal; and this condition, it must be conceded, has made a like unfavorable impression upon the morals of the people. A wage based upon competitive ability is just, and leads to frugality and honest industry, and inspires an ambition to attain the highest possible efficiency, while the equal wage paralyzes ambition and promotes prodigality and indolence. It takes away the strongest incentive to human labor, thrift and efficiency, and works injustice to employee and employer alike, thus affecting injuriously the whole social and industrial fabric. Experience has demonstrated that a fixed minimum wage means, in the last analysis, a fixed wage; since the employer, being compelled to advance some to a wage higher than their earning capacity, will, to equalize the cost of operation, lower the wage of the more competent to the common basis.

Any intimation that the Constitution is flexible, even in response to the police power, is unsound. Powers expressly delegated by the Constitution—such, for example, as the regulation of interstate commerce—may be extended to meet changing conditions, providing it can be accomplished without altering fundamental principles; but the principles are immutable, not elastic or subject to change. That a state may not impair the obligations of a contract, or that no person can be deprived of his property without due process of law, are principles fundamental, and if the legislature, in response to public clamor for an experimental social reform, may break down these constitutional guaranties by calling an act a "health law," or a "public morality law," or a "public welfare law," all guaranties of the Constitution, under the alleged exercise of the police power, may be changed, modified or totally eliminated.

Nor is the extent of such modification a matter of judicial discretion. To hold that the courts may declare a law, violating the same principle, constitutional under one state of fact, and unconstitutional under another, is the exercise of arbitrary power—a power said to exist nowhere in our system of government. And nowhere could it be lodged with more dangerous results than in the courts.

The tendency of the times to socialize property rights under the subterfuge of police regulation is dangerous, and if continued will prove destructive of our free institutions. It should be remembered that of the three fundamental principles which underlie government, and for which government exists—the protection of life, liberty and property,—the chief of these is property,—not that any amount of property is more valuable than the life or liberty of the citizen, but the history of civilization proves that when the citizen is deprived of the free use and enjoyment of his property, anarchy and revolution follow, and life and liberty are without protection.

The highest freedom consists in obedience to law, and a strict adherence to the limitations of the Constitution. In no way can the freedom of the citizen be more effectually curtailed and ultimately destroyed than by a deprivation of those inherent rights safeguarded by our fundamental law. The security of society depends upon the extent of the protection afforded the individual citizen under the Constitution against the demands and incursions of the government. The only tyranny the citizenship of this republic need fear is from the government itself. The character and value of government is measured by the security which surrounds the individual in the use and enjoyment of his property. These rights will only remain secure so long as the Bill of Rights—the first ten amendments of the Constitution—are construed liberally in favor of the individual and strictly against the government. They
98 were early adopted because of a wide-spread apprehension that the time might come when the government would assume to trespass upon those inalienable individual rights announced in the Declaration of Independence and afterwards incorporated in the Bill of Rights. Courts, therefore, should be slow to lend aid to the government in this modern tendency to invade individual property rights. "Illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon. Their motto should be obsta principiis." Boyd v. United States, 116 U. S., 616, 635.

No greater calamity could befall the wage earners of this country than to have the legislative power to fix wages upheld. It would deprive them of the most sacred safeguard which the Constitution

affords. Take from the citizen the right to freely contract and sell his labor for the highest wage which his individual skill and efficiency will command, and the laborer would be reduced to an automaton—a mere creature of the state. It is paternalism in the highest degree, and the struggle of the centuries to establish the principle that the state exists for the citizen, and not the citizen for the state, would be lost.

If, in the exercise of the police power for the general welfare, power lies in the legislature to fix the wage which the citizen must accept, or choose idleness, or, as in the case of Willie Lyons, be deprived of the means of earning a living, it is but a step to a legal requirement that the industrious, frugal, economical citizen must divide his earnings with his indolent, worthless neighbor. The modern tendency toward indiscriminate legislative and judicial jugglery with great fundamental principles of free government, whereby property rights are being curtailed and destroyed, logically will, if persisted in, end in social disorder and revolution. Let no one imagine for a moment, that our civilization is such that property rights can thus be socialized without the grossest abuse of the privileges granted, or that the restraint of the abuses can be left with safety to legislative or judicial discretion.

The decrees are reversed with costs, and the causes remanded for further proceedings, not inconsistent with this opinion.

Mr. Chief Justice Smyth, dissenting:

Before discussing the constitutionality of the act, it is necessary to consider matters not referred to in the majority opinion, and which are essential to a correct disposition of the cases.

These cases were decided on the 6th day of June, 1921, and motions for rehearing denied on June 22, same year. In my opinion both cases were finally disposed of then, and the court is without jurisdiction to render the present decisions.

At the time the causes were first called for hearing, Mr. Justice Robb was unable to sit in them because of illness. Pursuant to section 225 of the Code, the other justices designated Mr. Justice Stafford of the Supreme Court to take his place. The order designating him provided that he should "sit as a member of this court in the absence of Mr. Justice Robb in the hearing and decision of the following cases," among which were those now under consideration. Mr. Justice Stafford took his seat on the bench, participated in the hearing of the cases, and in their consideration and final disposition by the court. On June 6 of the court sustained the constitutionality of the act, and affirmed the decrees of the trial court. The opinion was by the Chief Justice, Mr. Justice Stafford announcing a short concurring opinion and Mr. Justice Van Orsdel dissenting. A motion for rehearing in each case was filed by the appellants on June 14, and on June 22 was considered and overruled by a majority of the court, consisting of the Chief Justice and Mr. Justice Stafford, Mr. Justice Van Orsdel being absent. Section 225 of the Code provides that where one member of the court is absent or disqualified a ma-

jority may rule on motions. At the time the motions for rehearing were overruled, an order was made that the mandates be withheld until the appellants had a reasonable opportunity to apply to the Supreme Court of the United States for a review. About this time the members of the court separated for the summer vacation. The motions for rehearing did not challenge in any way the right of Mr. Justice Stafford to participate in the disposition of them, and the question as to his right to do so was not before the Chief Justice and Mr. Justice Stafford at the time they overruled the motions, and never was submitted to them, nor had any member of the court been asked to pass on it prior to the overruling of the motions, so far as I know.

June 25, three days after the motions for rehearing had been overruled, Mr. Justice Robb wrote to the Chief Justice, as follows: "Within fifteen days after the decision was announced in the Minimum Wage cases counsel sent me their application for a rehearing, and insisted, and stil insist, that I vote thereon. While I incline to the view that Justice Stafford no longer has any jurisdiction in these cases, I wish to look up the authorities, if any there be, before deciding definitely." In answer the Chief Justice said the motions had already been passed upon and he ventured to suggest reasons which then occurred to him for believing that Justice Stafford had acted within his authority when he united with the Chief Justice in overruling the motions. To this no answer was made, but on July 1 Justice Robb wrote, saying: "After mature consideration I have decided to vote for a rehearing in the Minimum Wage cases, and I am advising counsel to that effect, as well as Justice Van Orsdel." Thereafter, in pursuance of directions from him and Mr. Justice Van Orsdel, the clerk entered an order granting a rehearing in both cases, the Chief Justice dissenting.

About ten days after Mr. Justice Robb had notified the
99 Chief Justice of his intention to vote, motions were filed to set aside the order made by Justice Stafford and the Chief Justice. These motions were based upon the ground that the order was not passed by a majority of the court as constituted at the time the order was made. This was the first time the right of Justice Stafford was questioned by any pleading or other paper filed in the cases, or by any other method addressed to the court. These motions were sustained July 13, Mr. Justice Robb and Mr. Justice Van Orsdel concurring and the Chief Justice dissenting.

It would seem from the foregoing that the appellants, finding themselves defeated, sought a justice who had not sat in the case but who, they believed, would be favorable to them, and induced him, by an appeal directed to him personally, to assume jurisdiction and join with the dissenting justice in an attempt to overrule the decisions of the court. I shall not characterize such practice—let the facts speak for themselves.

What arguments, if any, were advanced to Mr. Justice Robb by counsel for appellants when they made their application to him, I do not know, nor am I aware of the basis on which he rested his conclusion that he had a right to vote on the motions. But from

what I have said, it is manifest, I think, that he proceeded upon the assumption that he alone had the power to decide the question; in other words, that it was not a matter for consideration by the court. I am unable to agree to this. Whether or not he had such power involved a construction of the Code authorizing the calling in or a substitute justice. Of course, where the question is as to whether or not a judge is prejudiced against one of the parties, or interested in the subject of the litigation, it is usual for him to decide the matter for himself, except in cases controlled by section 20 of the Judicial Code. But the question here involved relates not only to the power of Justice Robb, but also to that of Justice Stafford. Acting by virtue of the statute, two members of this court had designated Justice Stafford to sit "in the hearing and decision of these cases,' which, of course, included the disposition of the motions for rehearing, for the cases would not be decided finally until those matters were ruled upon. Mr. Justice Robb attempted to set aside that order and displace Justice Stafford. I submit he was without power to do so. The question was for the court—not for one member of it only.

But had Justice Stafford jurisdiction of the cases when he voted on the motions? The Code section to which reference has already been made provides that the substitute justice shall temporarily fill the vacancy created by the absence of the regular justice and shall sit in the court "and perform the duties of a member thereof while such vacancy or vacancies shall exist." When does the vacancy cease to exist? When the regular justice is able to return to his duties, when he actually does so, or when the substitute justice has completed the work which he had properly entered upon before the return of the regular justice? It seems to me the latter must be the time. Unless this view is taken, great inconvenience would follow, and the business of the court would be much retarded. Suppose that at the time the regular justice returns to the court, the substitute justice had participated in the hearing of twenty-five cases then under advisement, can it be that his authority to further act, so far as those cases are concerned, had come to an end? If so, the cases would have to be restored to the docket for reargument before a court comprising the three regular members. I do not believe the act means this. My opinion is that, while the substitute justice may not enter upon any new work after the return of the regular justice, he has the authority, and it is his duty, to complete the work undertaken while the regular member of the court was absent. This has been the practice, without a single exception, save the present case, since the organization of the court. Shore v. Splain, 49 App. D. C., 6, 258 Fed., 150. After the motions for rehearing were granted in these cases, Mr. Justice Robb refused to consider a motion for rehearing in a case in which he had not sat (Clement v. Roberts, 273 Fed., 757), and it was necessary to send for Mr. Justice Hitz, who took part in the hearing and decision of the case, to vote on the motion, there being a division of opinion among the other justices. At this moment a substitute justice is considering cases in the hearing of which he participated, though the justice whose place he took

has returned to the court and is engaged in the discharge of his duties.

Recently the court, after a very careful consideration of the authorities, unanimously decided a similar question (Shore v. Splain, *supra*), and the ruling is in accordance with the views I have just expressed. An act of Congress approved February 17, 1909 (35 Stat., 624, c. 134), authorized the Chief Justice of the Supreme Court of the District to designate a judge of the Municipal Court to sit in the police court during the "sickness, vacation, or disability" of one of the regular judges. A judge designated pursuant to this act tried a criminal case. The defendant having been convicted moved for a new trial. The judge took the motion under advisement, and sometime later, after the regular judge had returned and taken his seat on the bench, overruled the motion and sentenced the defendant. It was contended that he had no power to do so, and a writ of habeas corpus was sought to test the question. In rejecting the contention we said: "It was undoubtedly the intention of Congress in providing for a temporary judge, that he should perform the duties of the position during his incumbency and complete any work entered upon by him before he withdrew from the place; otherwise, as in the case of a trial, much of his effort might come to naught if the return to duty of the regular judge had the effect of terminating his authority, and thus the purpose of Congress in providing for a substitute judge would be defeated in many cases." To support our views of the law we cited State v. Stevenson, 64 W. Va., 392; State v. Bobbitt, 215 Mo., 10, 30; Bohannon v. Tabbin (Ky.) 76 S. W., 46, 49; Bedford v. Stone, 43 Tex. Civ. App., 200, 95 S. W., 1086; State ex rel. v. Williams, 136 Mo. App., 330, 336, 117 S. W., 618; Mayer v. Haggerty, 138 Ind., 628, and Fisher v. Puget Sound Brick, etc., Co., 34 Wash., 578.

In State v. Stevenson, a criminal case involving the death
100 sentence, the defendant pleaded guilty before a special judge who took time thereafter to consider of his judgment. While he was doing so the regular judge returned, assumed the bench, and sentenced the prisoner. The statute under which the special judge was appointed provided that he should serve in the absence of the regular judge. It was argued that the moment the regular judge appeared, the authority of the special judge ceased; therefore, that the sentence by the regular judge was valid. But the court, after reviewing the decision of its own state and others upon the question, ruled, "That the return of the regular judge would not oust the special judge of jurisdiction to try and finally dispose of any case begun before him." The court in Bohannon v. Tabbin expressed a like view. It said: "The fact that the regular judge returned before the case was finally disposed of by the special judge in no wise nullified the jurisdiction of the latter. It would create inextricable confusion if, after a special judge, elected because of the absence of the regular judge, had commenced the trial of a case, his jurisdiction to further try it should be ousted by the return of the regular judge. It needs no argument to demonstrate the hardship and expense to litigants which would arise upon the adoption of such a principle."

In addition to the authorities cited in the Shore case, the following are pertinent: Dupoyster v. Clarke, 121 Ky., 694; State v. Tomlinson, 74 N. W., 995; State v. Towndrow, 180 Pac., 282; State ex rel. v. Fidelity & Deposit Co., 117 S. W., 618, 620; Johnson v. State, 97 Pac., 1059, 1064. In State ex rel. v. Fidelity & Deposit Co., the court said that the substitute judge having tried the case, "his jurisdiction and authority over it continued until the motions consequent upon the trial were disposed of."

Cases where a judge's term of office had expired and his successor acted upon unfinished business, or where a special judge withdrew leaving work to be done, have no application. In such cases public policy required that the unfinished work be disposed of, but here no question of that kind existed, for Justice Stafford had completed the work for which he had been assigned before Mr. Justice Robb had decided to act.

The Shore case is directly in point. Why was it not followed? No explanation is offered. If we are not to respect our own decisions, their publication is an idle ceremony and must have a tendency to mislead the profession.

Under the Organic Act this court consists of only three judges. No litigant has a right to have his case adjudged by a greater number, but the appellants, by the projection of Mr. Justice Robb into the case, have secured the judgment of four judges. There is no authority in the statute for such a thing.

Considering the law, then, as it is, I am convinced that Mr. Justice Stafford's authority and jurisdiction continued until the motions for rehearing had been disposed of, that both cases were finally adjudicated on June 22, 1921, and that the court has no jurisdiction over them at this time.

In discussing the constitutionality of the act I shall repeat in substance what I said in the opinion of the court when these cases were adjudicated in June, 1921, making only such changes as shall be necessary to conform to the present situation. I shall also utilize the argument made by Mr. Justice Stafford in his concurring opinion.

The question presented by these cases is not one of economics. It does not call for a decision with respect to what constitutes thrift or lack of thrift. Nor is the wisdom or non-wisdom of the statute before the court. It is no part of our function to deal with such matters, and any discussion of them is quite beside the case. Our authority is limited to the single question, Had Congress the right to pass the act? When we decide that, we decide everything we have any right to touch. All else that is said, no matter how vehemently, is merely obiter.

The act provides not only for what is said in the statement of facts by the majority, but also for the protection of "women and minors of the District from conditions detrimental to their health and morals, resulting from wages which are inadequate to maintain decent standards of living," and emphatically directs that it shall be interpreted to effectuate this purpose. It also provides that all parties interested are entitled to be heard before the board; that witnesses may be sum-

moned, and the aid of the courts invoked for the purpose of compelling their attendance; that after the prescribed investigation has taken place, it shall be the duty of the board to declare standards of minimum wages for the women in the occupations investigated and "what wages are inadequate to supply the necessary cost of living to any such women workers to maintain them in good health and to protect their morals," and also to determine like standards for minors and what wages are unreasonably low for any such minor workers.

The board having in the manner provided by the act investigated the conditions of women and minor girls employed by hotels, lodging houses, apartment houses, clubs, restaurants, cafeterias, and hospitals, and the wages paid to them in these establishments, issued an order forbidding among other things, any person or corporation to employ a woman or minor girl in any of these places "at a rate of wages of less than 34½ cents per hour, $16.50 per week, or $71.50 per month," but providing that where bona fide meals are furnished as part payment of wages, not more than thirty cents per meal may be deducted from the weekly wages.

Appellant in No. 3438 does not deny the reasonableness of the wage established by the board. If its employes were not able because of age or of anything else to earn that wage, it could have procured permission under section 13 of the act to employ them for less; but it made no application for this permission. Its argument is, as we understand it, that since its employes are willing to work for a smaller wage—a wage less than is necessary to sustain them in good health according to the findings of the board—it has a right to contract with them on that basis; and because the act deprives it of that right it interferes with its liberty of contract an- thereby deprives it of its property without due process. In other words, it argues that Congress has no power to fix any wage, whether reasonable or unreasonable, for women and minors, even if it be absolutely necessary to do so in order that their health and morals may be pre-
101 served. Appellant in No. 3467 makes the same contention so far as it applies to her.

It is now firmly established, so often has it been decided, that the high respect due from one coordinate branch of the Government to another forbids the Judiciary to declare an act of Congress invalid unless it is manifestly so. "Every possible presumption is in favor of the validity of a statute, and this continues until the contrary is shown beyond a rational doubt. One branch of the government can not encroach on the domain of another without danger. The safety of our institutions depends in no small degree on a strict observance of this salutary rule." Sinking Fund Cases, 99 U. S., 700, 718. Mr. Justice Holmes, speaking for the court in Otis v. Parker, 187 U. S., 606, 608, 609, said: "While the courts must exercise a judgment of their own, it by no means is true that every law is void which may seem to the judges who pass upon it excessive, unsuited to its ostensible end, or based upon conceptions of morality with which they disagree. Considerable latitude must be allowed for differences of view as well as for possible peculiar conditions which this court can know but imperfectly, if at all. Otherwise a constitution, instead

of embodying only relatively fundamental rules of right, as generally understood by all English-speaking communities, would become the partisan of a particular set of ethical or economical opinions, which by no means are held semper ubique et ab omnibus." Supporting the same views are Rast v. Van Deman & Lewis Co., 240 U. S., 342, 366; United States v. Cohen Grocery Company, 255 U. S., 81; Patterson v. Kentucky, 97 U. S. 501, 503, and Louisiana v. Jumel, 107 U. S., 711, 767.

It is true, as Dean Pound says, that the theory in some courts that statutes will not be held unconstitutional unless their repugnance to the Constitution is beyond doubt has become " a mere courteous and smoothly transmitted platitude, and is worse than an anachronism." The Spirit of the Common Law, by Roscoe Pound, page 108. It is not so, however, in the Supreme Court of the United States, as the decisions just referred to demonstrate. Since, then, "every possible presumption" is in favor of the legality of a statute, he who attacks it has the very heavy burden, if he would succeed, of establishing its invalidity beyond a reasonable doubt. This must be kept in mind throughout our discussion.

As we have just seen the position of the appellants is that under no conceivable state of facts would Congress have the power to pass a minimum wage act. This must be their position, for if they admitted that under any state of facts Congress possessed that power, we would have to assume that those facts existed when the present act was passed. Such is the doctrine of Munn v. Illinois, 94 U. S., 113, 132, wherein it is said: "For our purposes we must assume that, if a state of facts could exist that would justify such legislation, it actually did exist when the statute now under consideration was passed. For us the question is one of power, not of expediency. If no state of circumstances could exist to justify such a statute, then we may declare this one void, because in excess of the legislative power of the state. But if it could, we must presume it did." That principle has often been assailed, but the court has steadily refused to recede from it in any respect. Some of the cases which illustrate this are: Ga. Banking Co. v. Smith, 128 U. S., 174, 180; Budd v. New York, 143 U. S., 517, 543; German Alliance Ins. Co. v. Kansas, 233 U. S., 409; Brooks Scanlon Co. v. Railroad Commission, 251 U. S., 396. In the Kansas Case I find this: "Munn v. Illinois was approved in many state decisions, but it was brought to the review of this court in Budd v. New York, 143 U. S., 517, and this doctrine, after elaborate consideration, reaffirmed and against the same arguments which are now urged against the Kansas statute."

When Congress legislates for the District of Columbia it may exercise the police power in all its plenitude. Washington Terminal Co. v. District of Columbia, 36 App. D. C., 186, 191, District of Columbia v. Brooke, 214 U. S., 138, 149. About this there is no dispute. Under that power it has the right "to enact laws for the promotion of the health, safety, morals and welfare of those subject to its jurisdiction." Chicago, Burlington & Quincy Railroad Co. v. McGuire, 219 U. S., 549, 568. See also the case of Block v. Hirsh, 256 U. S., 135. Does this act fall within the power? The

Congress by enacting it says it does. "Upon what sound principles as to the relations existing between the different departments of government can the court review this action of the legislature?" Jacobson v. Massachusetts, 197 U. S., 11, 31. It can be done only where "a statute purporting to have been enacted to protect the public health, the public morals, or the public safety, has no real or substantial relation to those objects, or is a palpable invasion of rights secured by the fundamental law * * *." Mugler v. Kansas, 123 U. S., 623, 661. See also Minnesota v. Barber, 136, U. S., 313, 320, and Atkin v. Kansas, 191 U. S., 207, 223. This doctrine was reasserted in Leavy Leasing Co., Inc. v. Siegel, — U. S., — decided March 20, 1922, and in Stafford et al. v. Wallace, — U. S., — decided May 1, 1922. In the former it was held that the reports of committees appointed by New York officials to investigate the housing situation "and the very great respect which courts must give to the legislative declaration that an emergency existed would be amply sufficient to sustain an appropriate resort to the police power for the purpose of dealing with it in the public interest."

In the Stafford case, the court, speaking through the Chief Justice, declared that "it is primarily for Congress to consider and decide the fact of the danger and meet it," and added: "This court will certainly not substitute its judgment for that of Congress in such a matter unless the relation of the subject to interstate commerce and its effect upon it are clearly non-existent."

I first inquire whether or not the act has any real or substantial relation to its declared object. For answer I may resort to our common knowledge. "A common belief, like common knowledge, does not require evidence to establish its existence, but may be acted upon without proof by the legislature and the courts * * *. The fact that the belief is not universal is not controlling, for there is
102 scarcely any belief that is accepted by every one." In Re Viemeister, 179 N. Y., 235, 240, approved in Jacobson v. Mass., supra 34. To the same effect is McNichols v. Pease, 207 U. S., 100, 111. "We think," says the Supreme Court, "that the trial court might well take judicial notice that the public health is deeply concerned in the reclamation of swamp and overflowed lands. If there is any fact which may be supposed to be known by everybody, and, therefore, by the courts, it is that swamps and stagnant waters are the cause of malarial and malignant fevers, and that the police power is never more legitimately exercised than in removing such nuisances." Leovy v. United States, 177 U. S., 621, 636. It is equally well known that if a working woman does not receive a sufficient wage to supply her with necessary food, shelter, and clothing, and she is compelled to subsist upon less than her requirements demand, the result must be that her health will be injuriously affected.

Congress did not pass the act until it had thoroughly investigated the subject involved. I glean the following from the House Committee's reports: The Department of Labor interviewed six hundred women workers and laid the results of its efforts before the commit-

tee. About half of the six hundred, it was shown, earned less than $8.00 per week, and over two-thirds less than $10.00 a week. This situation was not owing to their youth and inexperience, for seventy-two per cent were twenty-one years of age or older, and one-half of those earning less than $9.00 per week had been at work for five years and more. The least for which the average woman could obtain board and lodging in the District was $35.00 per month. Sufficient clothing, "even with the strictest economy," could not be obtained for less than $88.00 per year. Nearly forty-two per cent of the six hundred women interviewed spent less than that on clothing. To be well dressed, but not extravagantly, a woman must spend approximately $125.00 per year, and sixty-eight per cent of the women interviewed spent less than that amount. In the lowest paid groups of workers the average expenditure for clothing, says the report, "is below that which would permit of physical comfort and decency." Of the six hundred interviewed "45 per cent needed to receive outside assistance in order to make both ends meet." The Merchants and Manufacturers' Association of the District, representing thirty-three different businesses and employing about 5,000 persons, made known to the committee that it approved the bill. No one appeared to oppose it. The committee said that the remedy provided by the bill had been tried and found successful in various states of the union and in other parts of the English speaking world, and concluded, "that inadequacy of wages means either of two things, * * * inadequacy of all the essentials—shelter, clothing, food, etc., with resultant impoverishment of health, or * * * that from some source the wage must be supplemented with possible resort to wrongdoing."

As was said in Stafford v. Wallace, ante, "It was for Congress to decide from its general information and from such special evidence as was brought before it, the nature of the evils actually present or threatening and to take such steps by legislation within its power as it deemed proper to remedy them." According to the congressional decision, women and minor workers in the District were paid inadequate wages, and this had a tendency to affect injuriously their health and morals.

Thirteen states of the union, either by a statute or a constitutional provision, Argentina, France, Great Britain, Norway, Austria, and eight provinces of Canada, by legislative acts, have provided for a minimum wage for women on the theory that it tends to safeguard their health. Students of the subject and public boards in different parts of the world have found and declared as a result of thorough investigation that minimum wage stimulates industrial efficiency and aids industrial peace, and the experience of other countries may be considered by Congress in enacting such legislation as this. Muller v. Oregon, 208 U. S., 412, 419. This shows that in the judgment of a large part of the world there is an intimate relation between a minimum wage and the public welfare.

Minimum wage statutes have been assailed several times in the courts but no court has held one invalid. Stettler v. O'Hara, 69 Oreg., 519; Simpson v. O'Hara, 70 Oreg., 261; Williams v. Evans,

139 Minn., 32; State v. Crow, 130 Ark., 272; Larsen v. Rice, 100 Wash., 642; Spokane Hotel Co. v. Younger, 13 Wash. Dec., 322; Holcombe v. Creamer, 231 Mass., 99, and Poye v. State, -- Tex., —, decided October 15, 1920. This fact is worthy of serious consideration. Halter v. Nebraska, 205 U. S., 34, 40.

From the foregoing survey, I can not doubt that this act has a substantial relation to its expressed object. I now come to the other element of the problem: Is the act a palpable invasion of rights secured by the fundamental law?

In variant forms of argument it is urged that the act is invalid because it interferes with freedom of contract. That it does so must be conceded, but that is not fatal. Every statute exerting the police power interferes with freedom of contract. Under such a statute persons are forbidden to contract to do certain things which they were free to do before its enactment. If it be correct that the statute is void on that ground, there would be no room for the play of the police power. But, obviously, it can not be correct. "There is no absolute freedom to do as one wills or to contract a sone chooses. The guaranty of liberty does not withdraw from legislative supervision that wide department of activity which consists of the making of contracts, or deny to government the power to provide restrictive safeguards. Liberty implies the absence of arbitrary restraint, not immunity from reasonable regulations and prohibitions imposed in *in* the interests of the community." The right to make contracts "is subject also, in the field of state action, to the essential authority of government to maintain peace and security, and to enact laws for the promotion of the health, safety, morals, and welfare of those subject to its jurisdiction." Chicago, Burlington & Quincy R. R. Co. v. McGuire, 219 U. S., 549, 567, 568.

103 In German Alliance Insurance Co. v. Kansas, 233 U. S., 389, 409, Mr. Justice McKenna, speaking of the dissenting opinion of Mr. Justice Brewer in Budd v. New York, 143 U. S., 517, wrote: "Every consideration was adduced, based on the private character of the business regulated, and, for that reason, its constitutional immunity from regulation, with all the power of argument and illustration of which that great judge was a master. The considerations urged did not prevail. Against them the court opposed the ever existing police power in government and its necessary exercise for the public good, and declared its entire accommodation to the limitations of the Constitution. The court was not deterred by the charge (repeated in the case at bar) that its decision had the sweeping and dangerous comprehension of subjecting to legislative regulation all of the businesses and affairs of life and the prices of all commodities." Therein the learned justice examines many of the prior decisions of the Supreme Court with respect to the police power and finds that according to them that power, when exercised for the public good, is in "entire accommodation to the limitations of the Constitution."

Many are the instances in which the court has sustained statutes involving a restriction upon freedom of contract: It has approved an act limiting the hours of employment in mines and smelters

Holden v. Hardy, 169 U. S., 366); forbidding the sale of cigarettes without license (Gundling v. Chicago, 177 U. S., 183); requiring the redemption in cash of store orders issued in payment of wages (Knoxville Iron Co. v. Harbison, 183 U. S., 13); prohibiting contracts for options to sell or buy grain (Booth v. Ill., 184 U. S., 425); permitting an individual to condemn property for the purpose of obtaining water for his land (Clark v. Nash, 198 U. S., 361), and forbidding the employment of women in laundries more than ten hours a day (Muller v. Oregon, 208 U. S., 412). In each of these cases the right of private contract was involved, but that did not deter the court from sustaining the statutes.

Between the sphere of constitutional guaranties and that of the police power there is a dividing line, but the courts have purposely refrained from pointing out just where it lies. Jacobson v. Mass., supra, 11, 25. "It is always easier to determine whether a particular case comes within the general scope of the power, than to give an abstract definition of the power itself which will be in all respects accurate. No one denies, however, that it extends to all matters affecting the public health or the public morals." Stone v. Miss., 101 U. S., 814, 818. Correctly understood, the constitutional guaranties against deprivation of liberty or property without due process of law protect only against arbitrary deprivation or arbitrary spoliation. In the leading case of Barbier v. Connolly, 113 U. S., 27, 31, the court considered the scope of the Fourteenth Amendment. It said: "But neither the amendment—broad and comprehensive as it is—nor any other amendment, was designed to interfere with the power of the state, sometimes termed its police power, to prescribe regulations to promote the health, peace, morals, education, and good order of the people, and to legislate so as to increase the industries of the state, develop its resources and add to its wealth and prosperity." In Miller v. Wilson, 236 U. S., 373, 380, Mr. Justice Hughes, speaking for the court, said: "As the liberty of contract guaranteed by the Constitution is freedom from arbitrary restraint—not immunity from reasonable regulation to safeguard the public interest—the question is whether the restrictions of the statute have reasonable relation to a proper purpose." Supporting the same doctrine are Holden v. Hardy, 169 U. S., 366; Muller v. Oregon, 208 U. S., 412; Riley v. Commonwealth of Mass., 232 U. S., 671, and Bosley v. McLaughlin, 236 U. S., 385.

Even property may be destroyed without compensation through the legitimate exercise of this power without offending against the constitutional guaranty. Mugler v. Kansas, 123 U. S., 623. "No legislature can bargain away the public health or public morals. The people themselves can not do it, much less their servants." Stone v. Miss., ante, 819. In the Mugler case the court, speaking of the Fourteenth Amendment, said: "* * * and it has never been regarded as incompatible with the principle, equally vital, because essential to the peace and safety of society, that all property in this country is held under the implied obligation that the owner's use of it shall not be injurious to the community." Page 665. Other cases to the same effect are New Orleans Gas Co. v. Louisiana

Light Co., 115 U. S., 650, 672; Beer v. Mass., 97 U. S., 25, 32. "That the Fourteenth Amendment was not intended to and does not strip the states of the power to exert their lawful police authority is settled, and requires no reference to authorities." Thus spoke the learned chief justice in Louisville & Nashville Railroad v. Melton, 218 U. S., 36, 52.

While it is true that it was the Fourteenth Amendment and not the Fifth Amendment which was under consideration in many of the decisions which we have just referred to, what is said therein is as applicable to the one as to the other. Indeed, it is so stated in Barbier v. Connolly, supra, 31.

Repeatedly the Supreme Court has upheld statutes limiting the hours of labor or the footing that excessive hours interfere injuriously with the health of those who are compelled to practice them. Holden v. Hardy, supra, 366; Muller v. Oregon, 208 U. S., 412; Riley v. Commonwealth of Mass., supra, 671; Miller v. Wilson, supra, 373, and Bosley v. McLaughlin, 236 U. S., 385. The first case related to men engaged in mining. Does not a wage which will provide sufficient food have as close a relation to health as hours of labor do? I think so.

Congress found an evil existed. The workers, by reason of the law of competition, were unable to remove it. They were compelled to submit or go without work. "Necessitous men," says Lord Chancellor Nothington, "are not, truly speaking, free men." Vernon v. Bethell, 2 Eden, 110, 113. Congress alone could apply the remedy. There was a time when it was the principle of constitutional construction that the whole community had no right of control over the individual beyond the minimum necessary to keep the peace. Everything else was to be left to the free contract of a free man.

"Happily," says Dean Pound, "this idea passed its meridian
104 in our constitutional law at the end of the last century."
Spirit of the Common Law, ante, 49.

Suppose the women engaged in the different lines covered by the order in question were each paid only $6.00 per week while $16.50 per week was necessary to feed, clothe and shelter each, and their employers could afford to pay $16.50 a week but would not pay it because under the law of supply and demand women had to work for that wage or starve, should not the government have the power, in the interests of the community, if not of humanity, to interpose and compel the payment of a living wage? The choicest function of government is to protect the weak against the unrighteous acts of those who are strong economically or physically. Would it be just to permit an employer to exact from a woman $16.50 worth of work for $6.00 simply because he had the power to do so? I think not.

Congress in pursuance of the Constitution (Art. I, Sec. 8) has authority to pass a protective tariff law for the purpose of guarding industries against foreign competition, to the end that their owners may be able to exact higher prices for the output of their industries than they could secure if foreign competition was permitted. This authority is not conferred specifically, but under the power to collect taxes, duties, imposts, and excises, and to regulate commerce with

foreign nations it is inferred. Arnold v. United States, 147 U. S., 494; United States v. American Express Co., 177 Fed., 735. Unless it be dangerous to intrust Congress with the power to increase the price which manufacturers may charge for their commodities by restricting competition, it should not be dangerous to clothe it with power to reasonably increase the wages of working women and girls by the same process.

The majority condemns the act as economically and socially unwise, and warns wage earners against its viciousness. In the record there is absolutely no fact to justify this. Moreover, it is in the teeth, as I have shown, of the judgment, of thirteen states, of five foreign nations, of eight Canadian provinces, of the Merchants' and Manufacturers' Association of this city, of practically every member of the Congress which passed the act—in a word, of every one who has studied the matter, if we are to be governed by the record, and we should be. But, suppose the act is unwise, what has that to do with its constitutionality? What Congress does may be wise and yet unconstitutional (Child Labor Case—Bailey et al. v. The Drexel Furniture Co., 1—U. S.—decided May 15, 1922). Courts are not vested with the power to measure the validity of a legislative act by the wisdom or lack of wisdom it may disclose, and if they assume to do so, they are guilty of a usurpation forbidden by the Constitution. Otis v. Parker, ante.

It is argued that in order that a fair minimum wage may be fixed, it is necessary to ascertain the cost of rent, clothes, food, and recreation. Not at all. As well say that a railroad rate can not be determined by the Interstate Commerce Commission until the price of iron, steel, land, coal, clothing, etc., used by the railway has been found. No such course has every been followed in fixing a railroad rate, nor is it necessary that it should be. The body charged with fixing the rate may assume that the prevailing prices with respect to the other things are reasonable, in the absence of any showing to the contrary. But, again, this matter is not pertinent, since it goes to the method of doing the thing, not the power to do it.

Fault is found with the act because, as charged, it is a price or wage fixing measure. But where, I ask, is there anything in the constitution which specifically prohibits Congress from fixing prices or wages? We must not allow ourselves to be misled by mere words, for they are "but skins of thought." What the law concerns itself about is the thought—the substance. Congress has the authority under the police power, when legislating for the District, and it is its duty, to promote the general welfare of the community; and if in pursuing this authority it becomes necessary to fix a minimum wage or the price of a commodity, it may do so. The validity of the action depends upon the conditions existing. As was said by Mr. Justice Holmes, speaking for the court, in Schenck v. United States, 249 U. S., 47, 52, it may be no harm to raise a false alarm of fire on the prairies, but a very grave offense to do so in a crowded theater. So with the exercise of the police power. Whether it may or may not be exerted is to be answered by the facts of the situation, no matter by what name they are known. The price fixing features of the

Ball Rent Act (Block v. Hirsh, supra) and of the New York Rent Act (Levy, etc. v. Siegel, supra) were sustained because the general welfare at the time demanded their enactment, just as the protection of the morals and health of women called for the passage of the act we are reviewing. An endeavor is made to differentiate those acts from the present one by saying they were brought into existence by an emergency. But this is only another way of saying that the facts—the emergency—justified the exertion of the power which resulted in their enactment. When those facts disappear, the right to exert the power may also disappear, but the power will remain. There is a wide distinction between the existence of the power and the constitutional right to use it. This distinction is completely lost sight of by those who oppose the act.

In a broad sense the act is not a wage fixing measure, but a measure to prevent the confiscation of a working woman's labor by those who have the economic power to do it.

It would extend this opinion far beyond a reasonable length if I were to review the decisions of the Supreme Court cited in the majority opinion, yet I can not refrain from saying that a careful examination of each will disclose that they support the views I have here expressed. Take, for example, Muller v. Oregon. It affirmed the constitutionality of an act fixing the hours of labor for women in laundries and so forth. The majority quote an excerpt from the opinion to the effect that the general right to contract in relation to one's business is part of the liberty of the individual protected by the Fourteenth Amendment, but fail to give the concluding part of the sentence, which reads,—"yet it is equally well settled that this liberty is not absolute and extending to all contracts, and that a state may, without conflicting with the provisions of the Fourteenth Amendment, restrict in many respects the individual's power of contract" (p. 421). This is precisely what I contend for, and shows conclusively the decision is not an authority against the validity of the act.

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While the record does not tell that the appellant Lyons lost her position by reason of the enforcement of the act, if she did, as stated by the majority, someone else secured it at a better wage. This was not a calamity which should condemn the statute.

Much was said during the argument at the bar to the effect that if this statute is sustained, it will lead to sovietism, and so forth. When statutes having that effect come up for judgment we shall deal with them. It is no part of our duty to engage in speculation concerning them now. "Our present duty," says Mr. Justice McKenna, "is to pass upon the statute before us, and if it has been enacted upon a belief of evils that is not arbitrary we can not measure their extent against the estimate of the legislature. McLean v. Arkansas, 211 U. S., 539." Tanner v. Little, 240 U. S., 369, 385. See also Central Lumber Co. v. South Dakota, 226 U. S., 157, 160, and Purity Extract Co. v. Lynch, 226 U. S., 192, 204, 205.

Concerning sovietism, however, I may say that I do not think the upholding of the act would have the tendency claimed. On the

contrary I am convinced the opposite effect would be produced, because the decision would demonstrate that this government, as framed by the fathers, has ample power, and those invested with that power have the disposition, to protect the weak against the strong by administering justice to both. If the power did not exist and the government could not interfere but would have to stand supinely by while wrong dominated right, there might be some basis for the contention that a change is necessary in our institutions; but with the recognition of the power, virile and efficient, the contention loses all force it might otherwise have.

It appears to me conclusively that a minimum wage has a real and substantial relation to the health and morals of women and minor girls who work, and that Congress by providing for the establishment of such a wage in the manner outlined in the statute has not acted arbitrarily or spoliatively, but clearly within the limits of the police power with which it is intrusted.

Mr. Justice Stafford, after declaring he concurred in the opinion of the court as written by me in June, 1921, said in effect that the minimum wage law for women, the constitutionality of which is challenged in these cases, is an act passed in the public interest, and by way of protection to a class which might reasonably be considered as needing protection, viz., the women who must labor in order to live. It would seem that the right of this class to live on a barely decent level, and the right of the public to have them so live, should outweigh the right of those who do not need to work in order to live, and who therefore are merely asserting a right to earn money and thereby accumulate property. If a woman is willing to work for less than a decent living wage it must be because she has other means of livelihood, or because she is willing to live below that level. She ought not to be allowed to live below that level, if that means that the woman beside her, who is trying to live decently, will be dragged down with her. If she has other means of livelihood, then she ought not so to compete with those who have none that they will be reduced to squalor or required to resort to immoral means of living. The public interest in the purposes of the act is too obvious to call for explanation or comment. Congress has made this law with the declared purpose of protecting and promoting the public health, morals and welfare, by making it illegal to employ women at a wage which will not afford them a decent living. The machinery provided is for the purpose of ascertaining the lowest decent living wage. We must assume that such ascertainment is possible, and that in a given case it has been reached, unless it is alleged and shown that the action taken is arbitrary, confiscatory, or otherwise high-handed; and no such allegation is here made, although the case presented appears to be one of those cases of individual hardship which are possible under any law.

For the reasons given, I dissent.

106 Monday, November 6th, A. D. 1922.

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October Term, 1922.

No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Supreme Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per MR. JUSTICE VAN ORSDEL,
November 6, 1922.

Mr. Chief Justice Smyth dissents.

107 Monday, November 6th, A. D. 1922.

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October Term, 1922.

No. 3467.

WILLIE A. LYONS, Appellant,

vs.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Supreme Court in this cause be and the same is hereby reversed with costs,

and that this cause be and the same is hereby remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice VAN ORSDEL,
November 6, 1922.

Mr. Chief Justice Smyth dissents.

108 Monday, November 6th, A. D. 1922.

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No. 3438.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, &c., Appellant,

vs.

JESSE C. ADKINS et al.

and

No. 3467.

WILLIE A. LYONS, Appellant,

vs.

JESSE C. ADKINS et al.

The dissenting opinions filed in the above entitled causes by Mr. Justice Van Orsdel on June 6, 1921, were this day withdrawn by him.

109 Thursday, January 11th, A. D. 1923.

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No. 3939.

JESSE C. ADKINS et al., Appellants,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation,

and

No. 3940.

JESSE C. ADKINS et al., Appellants,

vs.

WILLIE A. LYONS.

On consideration of the motion to dispense with printing the records in the above entitled causes and for leave to submit on the

briefs filed in Nos. 3438 and 3467, It is ordered by the Court that said motion be and the same is hereby granted.

110 Thursday, January 11th, A. D. 1923.

* * * * * * *

No. 3939.

January Term, 1923.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appellants,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and on the appellant's motion to either affirm or reverse the decree below which was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Supreme Court in this cause be and the same is hereby affirmed with costs under authority of Nos. 3438 and 3467.

Per MR. JUSTICE VAN ORSDEL,
January 11, 1923.

Mr. Chief Justice Smyth dissenting for the reasons set forth in his dissenting opinion in Nos. 3438 and 3467.

111 Thursday, January 11th, A. D. 1923.

* * * * * * *

January Term, 1923.

No. 3940.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appelants,

vs.

WILLIE A. LYONS.

Appeal from the Supreme Court of the District of Columbia.

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia and on the ap-

pellants' motion to either affirm or reverse the decree below which was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Supreme Court in this cause be and the same is hereby affirmed with costs under authority of Nos. 3438 and 3467.

Per MR. JUSTICE VAN ORSDEL,
January 11, 1923.

Mr. Chief Justice Smyth dissenting for the reasons set forth in his dissenting opinion in Nos. 3438 and 3467.

112 Friday, January 12th, A. D. 1923.

* * * * * * *

No. 3939.

JESSIE C. ADKINS et al., &c., Appellants,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation.

On consideration of the motion for the allowance of an appeal to the Supreme Court of the United States in the above entitled cause and to stay the Mandate until further order, submitted by Mr. F. H. Stephens, of counsel for appellants, it is ordered by the Court that said motion be and the same is hereby granted.

113 Friday, January 12th, A. D. 1923.

* * * * * * *

No. 3940.

JESSE C. ADKINS et al., &c., Appellants,

vs.

WILLIE A. LYONS.

On consideration of the motion for the allowance of an appeal to the Supreme Court of the United States in the above entitled cause and to stay the Mandate until further order, submitted by Mr. F. H. Stephens, of counsel for appellants, it is ordered by the Court that said motion be and the same is hereby granted.

114 UNITED STATES OF AMERICA, *ss:*

To the Children's Hospital of the District of Columbia, a corporation, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, at Washington, within 30 days

from the date hereof, pursuant to an order allowing an appeal, filed in the Clerk's Office of the Court of Appeals of the District of Columbia, wherein Jesse C. Adkins, Ethel M. Smith, John J. Newbold, Constituting the Minimum Wage Board of the District of Columbia are appellants and you are appellees, to show cause, if any there be, why the decree rendered against the appellants, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable Constantine J. Smyth, Chief Justice of the Court of Appeals of the District of Columbia, this Twelfth day of January, in the year of our Lord one thousand nine hundred and twenty-three.

CONSTANTINE J. SMYTH,
Chief Justice of the Court of Appeals of the District of Columbia.

Service acknowledged.
CHALLEN B. ELLIS,
Counsel for Appellees.

[Endorsed:] Court of Appeals, District of Columbia. Filed Jan. 12, 1923. Henry W. Hodges, clerk.

115 UNITED STATES OF AMERICA, *ss:*

To Willie A. Lyons, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, at Washington, within 30 days from the date hereof, pursuant to an order allowing an appeal, filed in the Clerk's Office of the Court of Appeals of the District of Columbia, wherein Jesse C. Adkins, Ethel M. Smith, John J. Newbold, Constituting the Minimum Wage Board of the District of Columbia are appellants and you are appellee, to show cause, if any there be, why the decree rendered against the appellants, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable Constantine J. Smyth, Chief Justice of the Court of Appeals of the District of Columbia, this Twelfth day of January, in the year of our Lord one thousand nine hundred and twenty-three.

CONSTANTINE J. SMYTH,
Chief Justice of the Court of Appeals of the District of Columbia.

Service acknowledged.
CHALLEN B. ELLIS,
Counsel for Appellee.

[Endorsed:] Court of Appeals, District of Columbia. Filed Jan. 12, 1923. Henry W. Hodges, clerk.

116 In the Court of Appeals of the District of Columbia.

No. 3939.

JESSE C. ADKINS et al., Appellants,

vs.

CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, Appellees.

No. 3940.

JESSE C. ADKINS et al., Appellants,

vs.

WILLIE A. LYONS, Appellee.

Assignment of Errors.

Now come the appellants in the above entitled cause and assign for errors,

1. The action of the court in granting a rehearing by a changed court after a motion for rehearing had been denied by the court which heard the case.

2. The action of the court in affirming the decree of the Supreme Court of the District of Columbia.

3. The judgment and opinion of the Court of Appeals holding the Minimum Wage Law, the Act of September 19, 1918, to be unconstitutional.

F. H. STEPHENS,
Corporation Counsel, D. C., Attorney for Appellants.

[Endorsed:] Nos. 3939 and 3940. Jesse C. Adkins et al., Appellants, vs. Children's Hospital of the District of Columbia, Appellees. Jesse C. Adkins et al., Appellants, vs. Willie A. Lyons, Appellee. Assignment of Errors. Court of Appeals, District of Columbia. Filed January 13, 1923. Henry W. Hodges, clerk.

117 In the Court of Appeals of the District of Columbia.

No. 3939.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appellants,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation,

and

No. 3940.

JESSE C. ADKINS, ETHEL M. SMITH, JOHN J. NEWBOLD, Constituting the Minimum Wage Board of the District of Columbia, Appellants,

vs.

WILLIE A. LYONS.

The Clerk in the preparation of a transcript of record in this Court on appeal to the Supreme Court of the United States in these cases will include the following, to wit:

1. Transcripts of record, Nos. 3939 and 3940 and the following papers and proceedings in Nos. 3438 and 3467:

2. The order assigning Mr. Justice Stafford of the Supreme Court of the District of Columbia to sit in the absence of Mr. Justice Robb.

3. Argument of causes.

4. Opinions.

5. Concurring opinions.

6. Decrees.

7. June 14. Petitions for rehearing, and

8. Stay of Mandates.

9. Memorandum: Copies of petitions for rehearing mailed by Clerk to Chief Justice, Justice Robb, Justice Van Orsdel and Justice Stafford.

10. June 22. Orders denying a rehearing.

11. Memorandum: The foregoing orders denying a rehearing were made upon letters to the Clerk from Chief Justice Smyth and Justice Stafford directing their entry.

12. Memorandum: July 6. Justice Van Orsdel, by letter to Clerk, voted to sustain motions for rehearing.

13. Memorandum: July 9. Justice Robb, by letter to Clerk, voted to sustain motions for rehearing.

14. July 11. Motions to set aside orders denying a rehearing.

15. July 13. Orders of the Court granting a rehearing. Mr. Chief Justice Smyth dissenting.

16. Memorandum: The foregoing orders granting a rehearing were entered upon the above letters from Justice Robb, dated July 9, and from Justice Van Orsdel, dated July 6, directing their entry.

118 17. The motions to set aside the orders granting the rehearing.

18. Motions to set aside orders granting rehearing denied.

19. Reargument of causes.

20. The opinion, dissenting opinion, and decrees.

21. Withdrawal of dissenting opinions of June 6, 1921, by Justice Van Orsdel.

and the following in Nos. 3939 and 3940:

22. Orders dispensing with printing, &c.

23. Decrees.

24. Orders allowing appeals and staying Mandates.

25. Citations with acknowledgment of service.

26. Assignment of Errors.

27. This Designation.

F. H. STEPHENS,
Attorney for Appellants.

Endorsed: Nos. 3939 & 3940. Jesse C. Adkins et al. vs. The Children's Hospital of the District of Columbia, and Jesse C. Adkins et al. vs. Willie A. Lyons. Designation of transcript. Court of Appeals, District of Columbia. Filed Jan. 13, 1923. Henry W. Hodges, Clerk.

119 Court of Appeals of the District of Columbia.

I, Henry W. Hodges, Clerk of the Court of Appeals of the District of Columbia, do hereby certify that the foregoing printed and typewritten pages numbered from 1 to 118, inclusive, constitute true copies of the transcripts of records and proceedings of said Court of Appeals, as designated by counsel, in the cases of Jesse C. Adkins, Ethel M. Smith, John J. Newbold, Constituting the Minimum Wage Board of the District of Columbia, Appellants, vs. The Children's Hospital of the District of Columbia, a Corporation, and Jesse C.

Adkins, Ethel M. Smith, John J. Newbold, Constituting the Minimum Wage Board of the District of Columbia, Appellants, vs. Willie A. Lyons, Nos. 3939 and 3940, January Term, 1923, as the same remain upon the files and records of said Court of Appeals.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court of Appeals, at the City of Washington, this Thirteenth day of January, A. D. 1923.

[Seal of Court of Appeals, District of Columbia.]

HENRY W. HODGES,
Clerk of the Court of Appeals
of the District of Columbia.

Endorsed on cover: File Nos. 29,345, 29,346. District of Columbia Court of Appeals. Term No. 795. Jesse C. Adkins, Ethel M. Smith, John J. Newbold, constituting the Minimum Wage Board of the District of Columbia, appellants, vs. The Children's Hospital of the District of Columbia. Term No. 796. Jesse C. Adkins, Ethel M. Smith, John J. Newbold, constituting the Minimum Wage Board of the District of Columbia, appellants, vs. Willie A. Lyons. Filed January 15th, 1923. File Nos. 29,345, 29,346.

FILE COPY

Office Supreme Court, U. S.
FILED
JAN 15 1923
WM. R. STANSBURY
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

No. 795

JESSE C. ADKINS ET AL., APPELLANTS,

vs.

CHILDREN'S HOSPITAL, APPELLEE.

No. 796

JESSE C. ADKINS ET AL., APPELLANTS,

vs.

WILLIE A. LYONS, APPELLEE.

MOTION TO ADVANCE.

Now come the appellants, by their attorney, and move the court to advance the hearing of the above entitled causes to as early a date as the convenience of the court will permit, because of the importance of the questions and the great public interests involved.

Further appellants show to the court that these cases involve the constitutionality of the law regulating minimum wages for women and minor children in the District of Columbia, under the act of September 19, 1918 (40 Stats., 960), and that the decision in the Court of Appeals of the District of Columbia was against the constitutionality of the law.

F. H. STEPHENS,
Attorney for Appellants.

Notice waived.

CHALLEN B. ELLIS,
Attorney for Appellees.

District of Columbia Minimum Wage Cases

Supreme Court of the United States

OCTOBER TERM, 1922

No. 795 AND No. 796.

JESSE C. ADKINS, *et al.*, CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA, APPELLANTS,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, A CORPORATION.

JESSE C. ADKINS, *et al.*, CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA, APPELLANTS,

vs.

WILLIE A. LYONS.

BRIEF FOR APPELLANTS
Vol. I

FRANCIS H. STEPHENS,
Corporation Counsel, District of Columbia.

FELIX FRANKFURTER,
Of Counsel,

ASSISTED BY

MARY W. DEWSON,
Research Secretary,
National Consumers' League.

STEINBERG PRESS, INC.
Printers - New York

ERRATA

Page 44, line 9, $9.64 should read 9.94.

Page 46, line 8, $1.05 should read $1.00.

Pages 186-7.

Omitted to state Orders 2, 3, 4 and 5 were effective August 1, 1919.

Page 428.

Excise Sir Lynden Macassey. Labour Policy False and True. London, August, 1922.

Page 429. Set at end of first paragraph after "(Page 250)" as title

Labour Policy False and True. SIR LYNDEN MACASSEY. *London, August, 1922.*

Pages 763, 766.

Excise charts.

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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM—1922

Nos. 795 and 796

JESSE C. ADKINS, *et al.*, constituting the Minimum Wage Board of the District of Columbia,
Appellants,
vs.
THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA.

JESSE C. ADKINS, *et al.*, constituting the Minimum Wage Board of the District of Columbia,
Appellants,
vs.
WILLIE A. LYONS

BRIEF FOR APPELLANTS

Statement of Cases

These are appeals from the Court of Appeals of the District of Columbia, which sustained final decrees of the Supreme Court of the District of Columbia, entered by direction of the Court of Appeals of the District, granting bills by the Children's Hospital and Willie A. Lyons, respectively, (hereinafter called plaintiffs), to vacate an order of the Minimum Wage Board of the District of Columbia, (hereinafter called the Board), and to enjoin its enforcement, because of the unconstitutionality of the

Act upon which the order was based, viz., the District of Columbia Minimum Wage Law (40 Stat. 960).

These bills were originally dismissed by the Supreme Court and the decrees of the Trial Court affirmed by the Court of Appeals. From these decisions "rehearings" were "directed," resulting in reversals of the prior decisions of the Court of Appeals. These reversals are here challenged. The jurisdiction of the Court of Appeals in the "rehearing" proceedings resulting in the present decrees, as well as the constitutionality of the District of Columbia Minimum Wage Law, are in issue.

Facts

The fact, briefly, are these:

1. After hearings by Committees of both Houses of Congress, followed by debate in both Houses, Congress passed the Act of September 19, 1918 (40 Stat. 960). "The purposes of the Act," as defined by Congress, are

> "To protect the women and minors of the District from conditions detrimental to their health and morals, resulting from wages which are inadequate to maintain decent standards of living. . ." (Sec. 23.)

The Act establishes a "Minimum Wage Board" as the machinery for determining

> "Standards of minimum wages for women in any occupation within the District of Columbia, and what wages are inadequate to supply the necessary cost of living to any such women workers to maintain them in good health and to protect their morals" (Sec. 9),

and for enforcing such "standards of minimum wages" promulgated by order of the Board (Secs. 9-12). By Sec. 13 the Act provides

"That for any occupation in which only a minimum time-rate wage has been established, the Board may issue to a woman whose earning capacity has been impaired by age or otherwise, a special license authorizing her employment at such wage less than such minimum time-rate wage as shall be fixed by the Board and stated in the license."

2. Pursuant to the requirements of the Minimum Wage Law, including the report of a Conference on the Hotel, Restaurant and Hospital Industries, such Conference being composed of an equal number of representatives of the employers and employees affected, and after public hearing, the Minimum Wage Board made the following order:

"1. No person, firm, association, or corporation shall employ a woman or minor girl in any hotel, lodging house, apartment house, club, restaurant, cafeteria, or other place where food is sold to be consumed on the premises or in any hospital, at a rate of wages of less than 34½ cents per hour, $16.50 per week, or $71.50 per month. This shall not be construed to include nurses in training.

2. When *bona fide* meals are furnished by the employer to any woman or minor girl employed in the establishments named in Section 1 of this order as part payment of the wages of such employee, not more than 30 cents per meal may be deducted by such employer from the weekly wage of such employee. A record shall be kept of the number of meals furnished each woman and minor girl per week and of the deductions made from the weekly wage for the same; otherwise the full minimum wage rate shall be paid in cash.

3. When lodging is furnished by the employer to any woman or minor girl employed in the establishments named in Section 1 of this order as part

payment of the wages of such employee not more than $2 per week shall be deducted by such employer from the weekly wage of such employee.

4. Tips and gratuities shall not be construed as part of the legal minimum wage." (R.)

3. The plaintiff, The Children's Hospital, is engaged in maintaining a hospital for children in the District of Columbia (R., fol. 4).

The plaintiff, Lyons, is a woman employee of the Congress Hall Hotel Company, a corporation engaged in the business of conducting a hotel in the District of Columbia, working as an elevator operator, at a wage of $35 a month and two meals a day (R., fol. 25).

The plaintiffs did not challenge the facts, as found by the Board, upon which the order was based; nor did either plaintiff seek to review the findings of the Board as arbitrary or unfounded in fact, and therefore without basis in law, which right of review is provided by Sec. 17 of the Act. There was and is no claim that the minimum fixed by the Board, to wit, 34½ cents per hour, or less than $16.50 per week, or less than $71.50 per month, is more than "the necessary cost of living to any such women workers [in the District of Columbia] to maintain them in good health and to protect their morals." Nor did either plaintiff invoke the provision of Sec. 13 of the Act for a "special license" authorizing employment at less than the rate fixed by the Board. On the contrary, without challenging the correctness of the facts found by the Board, nor attempting to avail themselves of the provision for exemption from the Board's order by "license," the plaintiffs brought separate suits, (though in fact one suit, with the same pleadings, filed by the same counsel and supported by the same brief),

to enjoin the enforcement of the order of the Board (R., pp. 2, 19). The complaints were answered, and, after hearing, decrees dismissing the suits were entered by the Supreme Court (R., pp. 13, 26).

4. On appeal to the Court of Appeals the constitutionality of the Law was sustained and the decrees of the Supreme Court were affirmed, on June 6, 1921, in an opinion by Mr. Chief Justice Smyth, with a separate concurring opinion by Mr. Justice Stafford, Mr. Justice Van Orsdel dissenting. (R., pp. 31, *et seq.*). Motions for rehearing were filed on June 14, and on June 22, were overruled. At the same time an order was made withholding the mandates to afford plaintiffs a reasonable opportunity for review by this Court. (Facts set forth by Mr. Chief Justice Smyth, R., pp. 66-70.)

5. At the time these cases were first called for hearing before the Court of Appeals, Mr. Justice Robb was unable to sit in them because of illness. Pursuant to sec. 225 of the Code of Law for the District of Columbia the other Justices designated Mr. Justice Stafford of the Supreme Court to take his place (R., fol. 40). Mr. Justice Stafford sat as a member of the Court of Appeals when the motions for rehearing, on June 14, were submitted, and his right to participate in the disposition of these motions had in nowise been challenged by the plaintiffs when these motions were overruled on June 22, 1921. Thereupon the members of the Court separated for the summer vacation.

Three days after the motions for rehearing had been overruled, on June 25, Mr. Justice Robb, in a letter to the Chief Justice, for the first time called into question the power of Mr. Justice Stafford to sit upon the motions for rehearing. The Chief Justice, in reply, pointed out that

the motions had already been passed upon and suggested "reasons which then occurred to him for believing that Justice Stafford had acted within his authority when he united with the Chief Justice in overruling the motions. To this no answer was made but on July 1 Justice Robb wrote, saying: 'After mature consideration I have decided to vote for a rehearing in the Minimum Wage Cases, and I am advising counsel to that effect, as well as Justice Van Orsdel.' Thereafter, in pursuance of directions from him and Mr. Justice Van Orsdel, the Clerk entered an order granting a rehearing in both cases, the Chief Justice dissenting." (Dissenting opinion, Mr. Chief Justice Smyth, R., p. 66).

On July 10, plaintiffs moved to set aside the denial of the motions for rehearing, and "this was the first time the right of Justice Stafford was questioned by any pleading or other paper filed in the Cases, or by any other method addressed to the Court." (R., fol. 99.) These motions were sustained, Mr. Justice Robb and Mr. Justice Van Orsdel concurring and the Chief Justice dissenting. (R., fol. 99). The Board duly objected to this order setting aside the order of June 22, which overruled the motions for rehearing, and asserted the continued jurisdiction of the Court as constituted at the time of the original decisions of these Cases, including the temporary Justice from the Supreme Court, until the final disposition of the Cases. (R., fol. 88.) Over the protest of the Board the Cases were thereupon heard upon the "rehearing," on October 10, 1921, and on November 6, 1922, the Court of Appeals held the Law unconstitutional, in an opinion by Mr. Justice Van Orsdel, Mr. Justice Robb concurring and the Chief Justice dissenting. (R., pp. 56, *et seq.;* 284 Fed. 613.)

Questions Raised

Two questions are involved in these appeals:

First: The jurisdiction of the Court of Appeals.

Second: The constitutionality of the District of Columbia Minimum Wage Law.

A decision on the merits will, in effect, determine the fate of minimum wage legislation affecting women, which has been in operation, in most cases for about ten years, in various states throughout the country, namely the laws of Arizona, Arkansas, California, Colorado, Kansas, Massachusetts, Minnesota, North Dakota, Oregon, Utah, Washington and Wisconsin. Proposals for similar legislation are now before the Legislatures of such important industrial states as New York, Ohio and Missouri. Therefore, the constitutional power of the States is at stake, as well as the constitutional power of Congress to legislate for the District.

AS TO JURISDICTION OF COURT OF APPEALS

The majority opinion below is wholly silent on the challenge to the Court's jurisdiction, although the grounds of objection are vigorously pressed by the Chief Justice. We shall rest, substantially, on the arguments and authorities presented by the Chief Justice, partly because of their persuasiveness, but also because the relevant facts to which they are applied were largely in the possession of the members of the Court and not known to Counsel until set forth in the Chief Justice's dissent.

Two objections are raised to the jurisdiction of the Court of Appeals upon the "rehearing":

> I. Only the Court of Appeals as a *Court,* and not Mr. Justice Robb as an individual member of the Court, had power to pass on the jurisdiction of Mr. Justice Stafford to participate in the disposition of the original motions for rehearing.
>
> II. Mr. Justice Stafford, by lawful designation, was a member of the Court of Appeals for purposes of these cases, and continued to be such a member until the full and final disposition of the causes, including motions for rehearing, which he was designated "to hear and decide".

I. Only the Court of Appeals as a Court, and not Mr. Justice Robb as an individual member of the Court, had power to pass on the jurisdiction of Mr. Justice Stafford to participate in the disposition of the original motions for rehearing.

In light of the facts set forth by Chief Justice Smyth it appears that a majority of the Court of Appeals failed to observe that a Court is a corporate body, which deliberates and decides as a collectivity. "Court" is not the sententious label for its individual members, acting as scattered individuals, without collective deliberation or decision. Yet, in these cases, Mr. Justice Robb decided by himself that prior orders of the Court of Appeals, denying rehearing in these cases, were to be nullified by disqualifying Mr. Justice Stafford. Let Chief Justice Smyth speak for this aspect of the question:

> "Before discussing the constitutionality of the act, it is necessary to consider matters not referred to in the majority opinion, and which are essential to a correct disposition of the cases.

"These cases were decided on the 6th day of June, 1921, and motions for rehearing denied on June 22, same year. In my opinion both cases were finally disposed of then, and the court is without jurisdiction to render the present decisions.

"At the time the causes were first called for hearing Mr. Justice Robb was unable to sit in them because of illness. Pursuant to section 225 of the Code, the other justices designated Mr. Justice Stafford of the Supreme Court to take his place. The order designating him provided that he should "sit as a member of this court in the absence of Mr. Justice Robb in the hearing and desision of the following cases," among which were those now under consideration. Mr. Justice Stafford took his seat on the bench, participated in the hearing of the cases, and in their consideration and final disposition by the court. On June 6 the court sustained the constitutionality of the act, and affirmed the decrees of the trial court. The opinion was by the Chief Justice, Mr. Justice Stafford announcing a short concurring opinion and Mr. Justice Van Orsdel dissenting. A motion for rehearing in each case was filed by the appellants on June 14, and on June 22 was considered and overruled by a majority of the court, consisting of the Chief Justice and Mr. Justice Stafford, Mr. Justice Van Orsdel being absent. Section 225 of the Code provides that where one member of the court is absent or disqualified, a majority may rule on motions. At the time the motions for rehearing were overruled, an order was made that the mandates be withheld until the appellants had a reasonable opportunity to apply to the Supreme Court of the United States for a review. About this time the members of the court separated for the summer vacation. The motions for rehearing did not challenge in any way the right of Mr. Justice Stafford to participate in the disposition of them, and the question as to his right to do so was not before the Chief Justice and Mr. Justice Stafford at the time they overruled the motions, and

never was submitted to them, nor had any member of the court been asked to pass on it prior to the overruling of the motions, so far as I know.

"June 25, three days after the motions for rehearing had been overruled, Mr. Justice Robb wrote to the Chief Justice, as follows: 'Within fifteen days after the decision was announced in the Minimum Wage cases counsel sent me their application for a rehearing, and insisted, and still insist, that I vote thereon. While I incline to the view that Justice Stafford no longer has any jurisdiction in these cases, I wish to look up the authorities, if any there be, before deciding definitely.' In answer the Chief Justice said the motions had already been passed upon and he ventured to suggest reasons which then occurred to him for believing that Justice Stafford had acted within his authority when he united with the Chief Justice in overruling the motions. To this no answer was made, but on July 1 Justice Robb wrote, saying: 'After mature consideration I have decided to vote for a rehearing in the Minimum Wage cases, and I am advising counsel to that effect, as well as Justice Van Orsdel.' Thereafter, in pursuance of directions from him and Mr. Justice Van Orsdel, the clerk entered an order granting a rehearing in both cases, the Chief Justice dissenting.

"About ten days after Mr. Justice Robb had notified the Chief Justice of his intention to vote, motions were filed to set aside the order made by Justice Stafford and the Chief Justice. These motions were based upon the ground that the order was not passed by a majority of the court as constituted at the time the order was made. This was the first time the right of Justice Stafford was questioned by any pleading or other paper filed in the cases, or by any other method addressed to the court. These motions were sustained July 13, Mr. Justice Robb and Mr. Justice Van Orsdel concurring and the Chief Justice dissenting.

"It would seem from the foregoing that the ap-

pellants, finding themselves defeated, sought a justice who had not sat in the case but who, they believed, would be favorable to them, and induced him, by an appeal directed to him personally, to assume jurisdiction and join with the dissenting justice in an attempt to overrule the decisions of the court. I shall not characterize such practice—let the facts speak for themselves.

"What arguments, if any, were advanced to Mr. Justice Robb by counsel for appellants when they made their application to him, I do not know, nor am I aware of the basis on which he rested his conclusion that he had a right to vote on the motions. But from what I have said, it is manifest, I think, that he proceeded upon the assumption that he alone had the power to decide the question; in other words, that it was not a matter for consideration by the court. I am unable to agree to this. Whether or not he had such power involved a construction of the Code authorizing the calling in of a substitute justice. Of course, where the question is as to whether or not a judge is prejudiced against one of the parties, or interested in the subject of the litigation, it is usual for him to decide the matter for himself, except in cases controlled by section 20 of the Judicial Code. But the question here involved relates not only to the power of Justice Robb, but also to that of Justice Stafford. Acting by virtue of the statute, two members of this court had designated Justice Stafford to sit 'in the hearing and decision of these cases,' which, of course, included the disposition of the motions for rehearing, for the cases would not be decided finally until those matters were ruled upon. Mr. Justice Robb attempted to set aside that order and displace Justice Stafford. I submit he was without power to do so. The question was for the court—not for one member of it only." (R., pp. 66-68.)

II. Mr. Justice Stafford, by lawful designation (R., fol. 40), was a member of the Court of Appeals for purposes of

these cases, and continued to be such a member until the full and final disposition of the causes, including motions for rehearing, which he was designated to "hear and decide".

If Mr. Justice Stafford properly participated in disposition of the original motions for rehearing in these cases, because he was designated to, and did, sit as a member of the Court that originally decided them, the orders of June 22, denying such motions, finally disposed of the cases. As Mr. Justice Robb indicated in his letter to Chief Justice Smyth, the crucial question is Mr. Justice Stafford's continued power to sit upon the motions for rehearing. This, it would seem, is one of those questions which is answered by its statement. The power to "decide" means to decide finally. Fairness to litigants and fairness to Courts—due regard for the administration of justice—require that all the judges, who constituted the Court when a case was decided, (if still alive and in office), should have the right as well as the duty to consider a motion for a rehearing of the decision in which they participated. Certainly, so far as the Court of Appeals of the District is concerned reason, the Code, precedents and the practice of the present members of that Court in all other cases, except the two here, unite to support the jurisdiction of Mr. Justice Stafford to participate in the disposition of the original motions for rehearing, and, in consequence, establish the want of jurisdiction of the Court of Appeals in the proceedings which give rise to these appeals.

We shall again let Chief Justice Smyth state the argument in detail:

> "But had Justice Stafford jurisdiction of the cases when he voted on the motions? The Code section to which reference has already been made pro-

vides that the substitute justice shall temporarily fill the vacancy created by the absence of the regular justice and shall sit in the court 'and perform the duties of a member thereof while such vacancy or vacancies shall exist.' When does the vacancy cease to exist? When the regular justice is able to return to his duties, when he actually does so, or when the substitute justice has completed the work which he had properly entered upon before the return of the regular justice? It seems to me the latter must be the time. Unless this view is taken, great inconvenience would follow, and the business of the court would be much retarded. Suppose that at the time the regular justice returns to the court, the substitute justice had participated in the hearing of twenty-five cases then under advisement, can it be that his authority to further act, so far as those cases are concerned, would be thereby brought to an end? If so, the cases would have to be restored to the docket for reargument before a court comprising the three regular members. I do not believe the act means this. My opinion is that, while the substitute justice may not enter upon any new work after the return of the regular justice, he has the authority, and it is his duty, to complete the work undertaken while the regular member of the court was absent. This has been the practice, without a single exception, save the present case, since the organization of the court. Shore v. Splain, 49 App. D. C., 6, 258 Fed., 150, 47 Wash. Law Rep., 328. After the motions for rehearing were granted in these cases, Mr. Justice Robb refused to consider a motion for rehearing in a case in which he had not sat (Clement v. Roberts, 273 Fed., 757), and it was necessary to send for Mr. Justice Hitz, who took part in the hearing and decision of the case, to vote on the motion, there being a division of opinion among the other justices. At this moment a substitute justice is considering cases in the hearing of which he participated, though the justice whose place he took has

returned to the court and is engaged in the discharge of his duties.

"Recently the court, after a very careful consideration of the authorities, unanimously decided a similar question (Shore v. Splain, *supra*), and the ruling is in accordance with the views I have just expressed. An act of Congress approved February 17, 1909 (35 Stat., 624, c. 134), authorized the Chief Justice of the Supreme Court of the District to designate a judge of the Municipal Court to sit in the police court during the 'sickness, vacation, or disability' of one of the regular judges. A judge designated pursuant to this act tried a criminal case. The defendant having been convicted moved for a new trial. The judge took the motion under advisement, and sometime later, after the regular judge had returned and taken his seat on the bench, overruled the motion and sentenced the defendant. It was contended that he had no power to do so, and a writ of habeas corpus was sought to test the question. In rejecting the contention we said: 'It was undoubtedly the intention of Congress in providing for a temporary judge, that he should perform the duties of the position during his incumbency and complete any work entered upon by him before he withdrew from the place; otherwise, as in the case of a trial, much of his effort might come to naught if the return to duty of the regular judge had the effect of terminating his authority, and thus the purpose of Congress in providing for a substitute judge would be defeated in many cases.' To support our views of the law we cited State v. Stevenson, 64 W. Va., 392; State v. Bobbitt, 215 Mo., 10, 30; Bohannon v. Tabbin Ky., 76 S. W., 46, 49; Bedford v. Stone, 43 Tex. Civ. App., 200, 95 S. W., 1086; State ex rel. v. Williams, 136 Mo. App., 330, 336, 117 S. W., 618; Mayer v. Haggerty, 138 Ind., 628, and Fisher v. Puget Sound Brick, etc., Co., 34 Wash. 578.

"In State v. Stevenson, a criminal case involving the death sentence, the defendant pleaded guilty be-

fore a special judge who took time thereafter to consider of his judgment. While he was doing so the regular judge returned, assumed the bench, and sentenced the prisoner. The statute under which the special judge was appointed provided that he should serve in the absence of the regular judge. It was argued that the moment the regular judge appeared, the authority of the special judge ceased; therefore, that the sentence by the regular judge was valid. But the court, after reviewing the decision of its own state and others upon the question, ruled, 'That the return of the regular judge would not oust the special judge of jurisdiction to try and finally dispose of any case begun before him.' The court in Bohannon v. Tabbin expressed a like view. It said: 'The fact that the regular judge returned before the case was finally disposed of by the special judge in no wise nullified the jurisdiction of the latter. It would create inextricable confusion if, after a special judge, elected because of the absence of the regular judge, had commenced the trial of a case, his jurisdiction to further try it should be ousted by the return of the regular judge. It needs no argument to demonstrate the hardship and expense to litigants which would arise upon the adoption of such a principle.'

"In addition to the authorities cited in the Shore case, the following are pertinent: Dupoyster v. Clarke, 121 Ky., 694; State v. Tomlinson, 74 N. W., 995; State v. Towndrow, 180 Pac., 282; State ex rel. v. Fidelity & Deposit Co., 117 S. W., 618, 620; Johnson v. State, 97 Pac., 1059, 1064. In State ex rel. v. Fidelity & Deposit Co. the court said that the substitute judge having tried the case, 'his jurisdiction and authority over it continued until the motions consequent upon the trial were disposed of.'

"Cases where a judge's term of office had expired and his successor acted upon unfinished business, or where a special judge withdrew leaving work to be done, have no application. In such cases public policy

required that the unfinished work be disposed of, but here no question of that kind existed, for Justice Stafford had completed the work for which he had been assigned before Mr. Justice Robb had decided to act.

"The Shore case is directly in point. Why was it not followed? No explanation is offered. If we are not to respect our own decisions, their publication is an idle ceremony and must have a tendency to mislead the profession.

"Under the Organic Act this court consists of only three judges. No litigant has a right to have his case adjudged by a greater number, but the appellants, by the projection of Mr. Justice Robb into the case, have secured the judgment of four judges. There is no authority in the statute for such a thing.

"Considering the law, then, as it is, I am convinced that Mr. Justice Stafford's authority and jurisdiction continued until the motions for rehearing had been disposed of, that both cases were finally adjudicated on June 22, 1921, and that the court has no jurisdiction over them at this time." (R., 68-70.)

ON THE MERITS.

The plaintiffs brought these suits solely upon claims of unconstitutionality under the Fifth Amendment, to wit, that in passing the District of Columbia Minimum Wage Law Congress deprived the plaintiffs of "liberty" and "property" "without due process of law." And the constitutionality of the Law and like laws throughout the country, is the broad question before this Court. It has been here before, resulting in a decision by a divided Court (*Stettler* v. *O'Hara,* 243 U. S., 629).

The Issue.

But there is no general theory of wage-fixing by legislation involved, no question of "the initial step toward

unlimited Federal price-fixing legislation" before this Court. Those were the issues that the second majority of the Court of Appeals insisted on framing for itself, in disregard of the actual situation presented by specific gressional legislation.[1] For the cases present a specific state of facts, depending upon a specific scheme of legislation solely applicable to women and minors. Our discussion will be focussed on this specific controversy—none other is before the Court. The following, we believe, accurately formulates the precise issue:

> *After hearings as to the practical necessity for such legislation, an Act having been passed by Congress "to protect the women and minors of the District from conditions detrimental to their health and morals, resulting from wages which are inadequate to maintain decent standards of living" which seeks to attain these objects through the requirement of standards of minimum wages for women, adequate to supply the necessary cost of living to women workers in respective occupations and to maintain them in health and to protect their morals, to be ascertained by a Minimum Wage Board; and such minimum wage for hotel, restaurant and allied industries having been ascertained and fixed by the Board at thirty-four and one-half cents per hour or $16.50 per week, or $71.50 per month, an amount concededly not in excess of said living necessities, and so fixed in accordance with the findings of a Conference of the particular industry in which both the employers and employees were represented and had full opportunity for hearing; and said Act having a provision that even these minimum requirements should not be required if the Board issues "to a woman whose earning capacity has been impaired by age or otherwise, a special license authorizing her employment at such*

[1] The futility of abstract considerations in so-called "police power" cases, and the necessity of adjudicating them on the facts and circumstances of each case find striking application in the recent decision of *Wolls* v. *Midland Carbon Co.*, 254 U. S. 300, 314.

wage less than such minimum time-rate wage as shall be fixed by the Board and stated in the license"; and said Act having a provision that "there shall be a right of appeal from the Board to the Supreme Court of the District of Columbia from any ruling or holding on a question of law included or embodied in any decision or order of the Board; and on the same question of law, from such court to the Court of Appeals of the District of Columbia"; and the plaintiff, The Children's Hospital, having continued to employ women workers not alleged or shown to be women "whose earning capacity has been impaired by age or otherwise" at wages less than the minimum fixed by the Board, without having applied for or been denied such special license from the Board; and the plaintiff, Lyons, having continued to accept from her employer wages less than the said minimum without having applied for or been denied such special license and without now alleging or showing that she is "impaired by age or otherwise"; are they entitled to decrees enjoining the enforcement of the order of the Board on the ground that the Congressional Act is arbitrary, wanton or spoliative, and therefore, in excess of the legislative power of Congress over the District, as limited by the Due Process Clause?

Marshall's Canon.

The controversy, we submit, reduces itself to an application of Marshall's canon of constitutional construction to the concrete facts of modern industrial life, and, more particularly, to those in the District.

> "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional" (*M'Culloch* v. *Maryland,* 4 Wheat, 316, 421).

Outline of Argument.

We shall contend:

I.—The presumption to be accorded an Act of Congress,—that it be respected unless transgression of the Constitution is shown "beyond a rational doubt",—amply sustains the District of Columbia Minimum Wage Law, particularly in view of the circumstances of its enactment.

II.—Congress by this legislation aimed at "ends" that are "legitimate and within the scope of the Constitution."

III.—The "means" selected by Congress are "appropriate and plainly adapted" to accomplish these "ends."

IV.—No right of the plaintiffs secured under the Constitution "prohibits" the use of these appropriate means so adopted by Congress to accomplish these legitimate ends.

V.—The majority opinion of the Court of Appeals erects notions of policy into constitutional prohibition.

POINT I.

The presumption to be accorded an Act of Congress,—that it be respected unless transgression of the Constitution is shown "beyond a rational doubt," —amply sustains the District of Columbia Minimum Wage Law, particularly in view of the circumstances of its enactment.

In considering this legislation, Congress was dealing with a practical problem which had been pressing upon the attention of many legislatures. Congress was acting upon an experience which had amply justified itself in different parts of the country. Possessed, under Art. I., Sec.

8, par. 17, of the same power for, and charged with the same duty of, legislating within the District as that which States exercise within their respective boundaries (*Shoemaker* v. *United States*, 147 U. S., 282; *Parsons* v. *District of Columbia,* 170 U. S. 45, 52), Congress followed the example of a number of States in passing the Act in question. The legislation had not only justified itself in practice, but it had been uniformly sustained by the courts against attacks of unconstitutionality.

Twelve States—Arizona, Arkansas, California, Colorado, Kansas, Massachusetts, Minnesota, North Dakota, Oregon, Utah, Washington and Wisconsin—have laws relating to a minimum wage for women.* Three States—Ohio, California and Nebraska—have authorized minimum wage legislation by specific constitutional provisions.

Here is a body of legislation coming from States in different parts of the country, States as varied in their conditions as Massachusetts and Washington, Arkansas and Wisconsin. Despite all other differences, ten have adopted a common type of legislation, indicating that it deals with needs common to every variety of State, with problems which concern all industry wherever women and children are employed. If the Federal legislation is bad under the Due Process clause of the Fifth Amendment, then, of course, the legislative and constitutional provisions of fifteen States are bad under the Due Process clause of the Fourteenth Amendment. The extensive enactment of a statute is a fact "of vast significance" (*Halter* v. *Nebraska,* 205 U. S. 34, 40). A far more impos-

*Arizona and Utah (as well as Porto Rico) have a flat rate of minimum wages fixed for all industries by statute. In all the other states there is administrative machinery for determining, after hearing, the minimum wage appropriate for each separate industry. Congress followed the latter type of legislation. Massachusetts, unlike all other states, relies upon the coercive power of public opinion, through publication of the names of offenders, for enforcement of the orders of its Minimum Wage Commission.

ing body of enactments is presented by the minimum wage laws for women than that which very recently led this Court, as to another statute, to find proof of "a widespread belief in the necessity for such legislation" (*Prudential Ins. Co.* v. *Cheek,* 259 U. S. . .; decided June 5, 1922).

But Congress had even stronger confirmation for its action than this volume of State legislation. One other case has been before this Court showing a similar widespread adoption of a statute by different States. That was the *Coppage Case* (236 U. S. 1). But while the *Coppage* statute was almost uniformly declared unconstitutional by the State Courts,[1] Congress acted upon the uniform validation of minimum wage legislation for women by the State Courts. To paraphrase the language of this Court in the *Coppage Case, supra,* as applied to the facts at bar, "it is not too much to say that such laws have by common consent been treated as constitutional, for while many state courts of last resort have adjudged them valid, there is no decision by such a court invalidating legislation of this character, and no decision by any court, excepting that which is now under review, the same court, differently constituted, having previously sustained it." The legislation has been sustained in these decisions:

State v. *Crow,* 130 Ark., 272;
Holcombe v. *Creamer,* 231 Mass., 99;
Williams v. *Evans,* 139 Minn., 32;
Miller Telephone Co. v. *Minimum Wage Commission,* 145 Minn., 262;

[1] "It is not too much to say that such laws have by common consent been treated as unconstitutional, for while many state courts of last resort have adjudged them void, we have found no decision by such a court sustaining legislation of this character, excepting that which is now under review."—*Coppage v. Kansas,* 236 U. S. 1, 21-22.

Stettler v. *O'Hara,* 69 Or. 519; *Simpson* v. *O'Hara,* 70 Or. 261; affirmed by divided Court, in 243 U. S. 629;
Larsen v. *Rice* 100 Wash, 642;
Spokane Hotel Co. v. *Younger,* 113 Wash. 359;
Poye v. *State,* 89 Texas Crim. Rep. 182.*

But Congress did not casually follow State legislation. It was not content to rest upon a body of State laws, uniformly sustained by the courts and vindicated, since 1913, by the trial of experience. The Senate and House Committees on the District of Columbia held hearings on the needs of this legislation, *in view of the conditions prevailing in the District.* (Hearings before Subcommittee of House Committee on the District of Columbia on H. R. 10367, 65th Cong. 2d Sess., April 16, 1918; Hearing before Subcommittee of Senate Committee on the District of Columbia on S. 3993, 65th Cong. 2d Sess., April 17, 1918). No one appeared in opposition to the bill. "A remarkable circumstance which has probably never occurred in any previous legislation hearings on a measure affecting wage legislation in this country was the appearance of the official organized body of employers—the Merchants' and Manufacturers' Association of the District, who sent their representative to make a statement indorsing the bill and urging its passage." (H. Report No. 571, 65th Cong. 2d Sess., p. 2). The Committees of both Houses unamimously recommended the legislation. (H. Report No. 571, 65th Cong. 2d Sess.; S. Report No. 562, 65th Cong. 2d Sess.). The Constitutional question raised by the proposal was frankly considered by the Committees. With full consciousness of the issue, after consideration of the objections now urged,

*This case is included in the interest of completeness, despite its restricted value as authority.

Congress, without opposition in the House, and with only twelve nays in the Senate (not based on constitutional grounds), deemed the legislation here assailed within its constitutional competence and required by the proved needs of the District, (Vol. 56, Cong. Rec. Pt. 9, pp. 8875 ff.; Pt. 10, pp. 10278 ff.; Pt. 12, pp. 604 ff).

In addition to all these grounds which moved and justified Congressional action, the judgment of Congress is now vindicated by the results of over four years of the actual operation of the Law and ten years of extensive experience with such legislation in California, Massachusetts, Minnesota, Oregon, Washington and Wisconsin (Part First, pp. 1-214). In brief, it is overwhelmingly clear that unfair depression in the wages of many women workers has been significantly reduced, without operating adversely to industry or efficiency, and without appreciably diminishing employment for employables. The Legislation has also successfully weathered the severest strains of "hard times." We venture to suggest, with confidence, that no such body of laws, "attesting a widespread belief in the necessity for such legislation," supported by uniform judicial approval (excepting the last opinion of the Court of Appeals), subjected to so long, extensive, fair and favorable a test of actual experience, has ever been before this Court to vindicate the reasonableness of the legislative intervention, and to negative the claim that Congress was guilty of "a purely arbitrary or capricious exercise of that [legislative] power" (*Truax* v. *Corrigan*, 257 U. S. 312, 329).

POINT II.

Congress by this legislation aimed at "ends" that are "legitimate and within the scope of the Constitution."

The first requisite of Marshall's canon is that the end sought by legislation must be "legitimate and within the scope of the Constitution." That this primary requirement is met in this case cannot be, and practically is not, denied. But we proceed briefly to explain the purposes sought by Congress in enacting the District of Columbia Minimum Wage Law.

First.—Charged with the responsibility of safeguarding the welfare of the District of Columbia, Congress was confronted with facts which made it its duty "to protect the women and minors of the District from conditions detrimental to their health and morals, resulting from wages which are inadequate to maintain decent standards of living."

We do not invoke the usual and proper presumption to be accorded to Congressional declarations. This Congressional statement of the purposes of the Act is based upon indisputable facts. In summary of the overwhelming array of details set forth in Part Third of this Brief, it is only necessary to say here that the minimum cost in the District, for the rudimentary needs of a woman worker, as disclosed by investigations preceding this legislation and corroborated by many authoritative findings from all over the United States, was:

Cost of Living of Working Women in the District of Columbia in December, 1916.*

Items		Yearly Cost 1916	Weekly Cost 1916
Board and Room	....	$312.00	$6.00
Clothing	....	125.00	2.40
Sundries:			
Laundry	30.00	....	...
Sickness	14.00	....	...
Dentistry	6.55	....	...
Oculist	1.99	....	...
Amusements	7.14	....	...
Vacation	13.16	....	...
Fruit and Candy	5.70	....	...
Insurance	9.65	....	...
Other incidentals	18.45	....	...
Charity	1.79	....	...
Religion	4.54	....	...
Labor organizations	.30	....	...
Other organizations	.49	....	...
School tuition	1.70	....	...
Carfare (to and from work)	10.85	....	...
Carfare (other)	7.84	....	...
Books and magazines	2.81	....	...
Gifts	14.96	....	...
Total Sundries	....	152.22	2.93
Total	....	$589.22	$11.33

This being the bare living cost for women workers in the District, it appeared before Congress, as disclosed in the Report of the House Committee which proposed the legislation (Rep. No. 571, H. R., 65th Cong., 2nd Sess.) that 46% of 600 women workers interviewed earned less than $8 per week and 64% less than $10 per week. This low wage was not owing to their youth and inexperience, for 72% were twenty-one years of age, or

*This budget appears on page 954 of Part Third of this brief; only the weekly cost, a mere arithmetic computation, is here added.

older, and one-half of those earnings less than $9 per week had been at work for five years and more.* Congress, dealing with the situation it found in the summer of 1918, had, of course, to consider the enormous increase in the cost of living. The actual amount of such increase had been studied and determined by the Bureau of Labor Statistics. The findings of comparative cost increases between 1916 and 1918, made by the Bureau of Labor Statistics, and acted upon by the Minimum Wage Board preceding its order, follow:

*See page 688-695 of Part Third of this Brief.

Comparison of Cost of Living of Working Women in the District of Columbia in December, 1916, and in December, 1918.*

Items	Yearly Cost 1916		% Increase 1916 to 1918		Yearly Cost 1918		Weekly Cost 1918	
Board and Room...		$312		50%		$468		$9
Clothing		125		59.4		199.25		3.83
Sundries								
Laundry	30.00				30.00		.58	
Sickness	14.00		30		18.20		.35	
Dentistry	6.55		11		7.25		.14	
Oculist	1.99		76		3.50		.07	
Amusements	7.44		58		9.60		.18	
Vacation	13.16				13.16		.25	
Fruit and Candy.	5.70				5.70		.11	
Insurance	9.65				9.65		.19	
Charity	1.79				1.79		.03	
Religion	4.54				4.54		.09	
Labor Organizations	.30				.30		.005	
Other Organizations	.49				.49		.01	
School Tuition ..	1.70				1.70		.03	
Carfare (to and from work)...	10.85		20		13.00		.25	
Carfare (other)..	7.84		20		9.40		.18	
Books and Magazines	2.81		46		3.45		.07	
Gifts	14.96				14.96		.29	
Other Incidentals	18.45				18.45		.35	
Total Sundries ...		152.22		8.5		165.14		3.175
Total.....		589.22		41.3		832.39		16.005

*This table will be found on page 954, Part Third of this Brief.

These findings as to the cost of the barest necessaries are to be compared with the Report made by the Minimum Wage Board into the wages of women in hotels, restaurants and allied industries (including hospitals). The Board found that

"1300, or 58 per cent, of the 2209 women for whom wage data were obtained were receiving less than $16 or its equivalent per week. A general average

in this instance tends to conceal the real wage situation. A classification according to type of establishment gives a much clearer picture of the facts. Of the women employed in the industry, 72.2 per cent in hotels, 42.6 per cent in restaurants, 82.3 per cent in hospitals and 100 per cent in apartment houses were receiving less than $16 a week or its equivalent. In the general average the higher rates prevailing in restaurants offset the lower rates in hotels and hospitals. The apartment house employees included in this study were too few in number to affect the general figures."*

It thus appears that Congress, in its responsibility for the District, was confronted with the evils flowing from a deficit between the minimum cost necessary for women workers to live without detriment "to their health and morals," and the wages which were actually being paid *below this minimum* to a considerable percentage of the women workers of the District. The matter was thus put in the testimony of Dr. W. C. Woodward, the Health Commissioner of the District:

"That there is a very definite relation between wages and health, and between wages and morals, I think will be conceded by every one who at any time has had to earn his own living, and who has even the slightest knowledge of hygiene or health. We know that in any organized community we can not get ordinary shelter without paying for it; that to clothe the body costs money; that food costs money; that provision for ordinary protection against illness requires money; and that protection of life—if you will, provision for recreation facilities—requires the expenditure of money; and we know that the wage earner depends on her wage to get that money. It stands to reason, therefore, that

*Bulletin No. 3 of District of Columbia Minimum Wage Board, October 10, 1919, quoted on pages 5-10 of Part First of the Brief.

inadequacy of wage means either of two things: On the one hand it may mean inadequacy of shelter, inadequacy of clothing, inadequacy of food, inadequacy of recreational facilities on the one hand it may mean any one of those conditions, or it may mean all—with resultant impoverishment of health—or, on the other hand, it means that from some source or other the wage must be supplemented, with possible resort to wrongdoing to accomplish that end. I am very loath, however, to connect up minimum wages with moral questions. The most I care to say there is that when one is tempted the lack of physical stamina and the necessity for maintaining life increase the weight of the inducement certainly make yielding easier.'"*

Congress, as its reports disclose, found that alarming public evils had resulted, and threatened in increasing measure, from the widespread existence of the deficit between the essential needs for a decent life and the actual earnings of large numbers of women workers of the District. In the judgment of Congress, based on inquiry and sustained by unchallenged facts, the health of a considerable section of the present generation was impaired by undernourishment, demoralizing shelter and insufficient medical care. Inevitably, the coming generation was thereby threatened. Economic efficiency and productiveness were wastefully limited; the fruitful use of economic resources was needlessly restricted. In its immediate effects, financial burdens were imposed upon the District, involving excessive and unproductive taxation, for the support of charitable and quasi-charitable institutions engaged in impotent amelioration rather than prevention.

Here, if ever, was presented a community problem of

*See Hearings before Sub-Committee of the Committee on the District of Columbia, House of Representatives 65th Con. 2nd Sess. on H. R. 10,367, p. 29, quoted in Rep. No. 571 H. R. 65th Con. 2nd Sess. and printed on page 390-1 of Part First of this Brief.

a most compelling kind, calling for legislation "greatly and immediately necessary to the public welfare" (*Noble State Bank* v. *Haskell*, 219 U. S., 104, 111). At least, the judgment of Congress that such legislation was necessary cannot, in reason, be stigmatized as "unreasonable."

Second.—The purpose of the Act was to provide for the deficit between the cost of women's labor—i. e., the means necessary to keep labor going—and any rate of women's pay below the minimum level for living, and thereby to eliminate all the evils attendant upon such deficit on a large scale.

No one claims, surely not the plaintiffs, that Congress, in this legislation, was actuated by a desire to gratify venom, or a feeling of oppression, against individuals, in order to injure them, or indulged in reckless caprice, indifferent to the interests of the District. There is no dispute that Congress was honest, was acting in good faith, after mature deliberation, in avowing the purposes which it did in the enactment of the Minimum Wage Law, to wit:

> "to protect the women and minors of the District from conditions detrimental to their health and morals, resulting from wages which are inadequate to maintain decent standards of living."

In a word, the ends towards which this legislation was directed were, within the area of Congressional power, the ends of the very life of the Nation, namely the health and civilized maintenance of this generation, and a healthy and civilized continuance of generations to follow. The only complaint is the want of adaptation of the means chosen by Congress for the attainment of ends which, undisputably, it could pursue. We shall at once consider (Point III) the justification of the choice of

means exercised by Congress. For the moment we are concerned with the question whether Congress could act *at all.* Was the subject-matter—conditions detrimental to the health and morals of women workers—within the field of Congressional legislation for the District? If the subject was within the power of Congress, the specific Act is still open to the challenge that the manner in which Congress exercised its power was "purely arbitrary or capricious." But in order to appraise adequately the means chosen by Congress, it is important to realize with conviction not merely the abstract legitimacy of the ends at which Congress was aiming, but also the concrete situation that confronted Congress in discharging its constitutional duty to legislate for the District.

POINT III.

The means selected by Congress "are appropriate" and "plainly adapted" to accomplish the legitimate ends.

The second part of Marshall's canon states the broad scope of the question:

> "All means which are appropriate, which are plainly adapted to the end. . . ."

Later cases, without changing Marshall's central point of view—"it is *a Constitution* we are expounding"—have phrased it in a slightly different form. "Plainly adapted," they indicate, means "not plainly unadapted". This has been the spirit of the later formulas. The recurring adjectives are "arbitrary," "wanton," "spoliative" and "capricious," and this is the thought that underlies the decisions (*e. g., Jones* v. *Brim,* 165 U. S., 180, 182; *Booth* v. *Illinois,* 184 U. S., 425, 429; *Lemieux* v. *Young,* 211 U. S., 489, 496; *McLean* v. *Arkansas,* 211

U. S., 539, 548; *Grenada Lumber Co.* v. *Mississippi,* 217 U. S., 433, 411-2; *Noble State Bank* v. *Haskell,* 219 U. S., 104, 110-11; *Chicago, Burlington & Quincy Co.* v. *McGuire,* 219 U. S., 549, 567-8; *Central Lumber Co.* v. *South Dakota,* 226 U. S., 157, 160-1; *Schmidinger* v. *Chicago,* 226 U. S., 578, 588; *Erie R. R. Co.* v. *Williams,* 233 U. S., 685, 699, 704; *Coppage* v. *Kansas,* 236 U. S., 1, 11, 14; *Chicago & Alton R. R.* v. *Tranbarger,* 238 U. S., 67, 77; *Tanner* v. *Little,* 240 U. S., 369, 386; *Truax* v. *Corrigan,* 257 U. S., 312, 329; *Chic. & Northwestern Ry. Co.* v. *Nye Schneider Fowler Co.,* decided Nov. 13, 1922; *Sioux City Bridge Co.* v. *Dakota County,* decided Jan. 2, 1923).

These cases, however, do not raise any issue as to possible differences resulting from difference in emphasis between "plainly adapted" and "not plainly unadapted". The controlling powers of negation of this Court are only invoked within the restricted, vital, area of immutable principles, leaving the field of policies to Congress and the legislatures. The Minimum Wage Law clearly satisfies Marshall's requirement of appropriate correlation of means to end.

First.—From among the alternative means which Congress might have adopted for accomplishing these public ends the particular one adopted was reasonable and appropriate.

The object of Congress was, as we have shown, to provide for a disastrous deficit between women's labor cost and their labor pay, so as to eliminate grave public evils and also to promote decent standards of life. The possible alternative courses of action which were open to Congress in this situation may be summarized as follows:

(1) It could have refrained from action, and submit to the evils as inevitable human misfortunes, subject

to no prevention, but only to alleviation through public and private charity.

(2) It could have provided a direct subsidy out of the public treasury to pay a wage equal to the necessary cost of living, just as for other reasons of policy subsidies have been granted or proposed to manufacture and industry.

(3) It could have adopted the Massachusetts method, which seeks to compel for women workers a minimum wage adequate "to supply the necessary cost of living and to maintain the worker in health," through the pressure of public exposure of offending employers; or

(4) It could have taken the method it did take, which involved a prohibition of the use of women's labor for less than its cost, except by special license from the Board.

There was cumulative testimony, both in the belief of those entitled to express an opinion and in the actual record of experience, that these evils are not inevitable human misfortunes. Congress was entitled to disprove that lazy gospel of fatalism, as other English-speaking countries, equally jealous of safeguarding "liberty" and "property" and many American States had disproved it. From the point of view of effectiveness in accomplishing its purposes (which alone is here relevant), the choice of Congress, among the three remedial methods, surely was not "arbitrary" or "unreasonable." It had the support of a great body of public opinion (*Jacobson* v. *Mass.*, 197 U. S., 11, 31, 34-5; *Muller* v. *Oregon*, 208 U. S., 412, 420; *McLean* v. *Arkansas*, 211 U. S., 539, 548, 549; *Tanner* v. *Little*, 240 U. S., 369, 385-6), crystallized in the extensive and successful experience of English countries with such legislation (Part First, pp. 214, *et seq.*), in the fact of such legislation in other States (pp. 533, *et seq.*),

in the successful working of such legislation (*infra*, pp. 1 *et seq.*). In other words Congress rested on the appeal "from judgment by speculation to judgment by experience" (*Tanner* v. *Little*, 240 U. S., 369, 386).

There is now before this Court not only the persuasive volume of accredited opinion and the experience of other States and countries (not unlike our own either in industrial conditions or legal traditions) vindicating the reasonableness, not to speak of the absence of unreasonableness, of the Congressional legislation, but also the proved effectiveness of the experience of the District under this Act (*infra*, pp. 1 *et seq.*). This is now sought to be upset as beyond the power of Congress in coping with evils which are yielding under the enforcement of this Act and these benefits are secured without any adverse effect upon industry. Where a law has been long on the statute books speculative claims of injustice must yield to the results of actual experience. (*Cf. National Union Fire Ins. Co.* v. *Weinberg*, decided Nov. 13, 1922.)

Second.—Therefore, even though this Court might think that some other means would have greater chance of effectiveness, it was open to Congress to try this method unless it was affirmatively prohibited by the Constitution.

POINT IV.

No rights of plaintiffs secured under the Constitution of the United States prohibit the use of the means so adopted by Congress to accomplish these legitimate public ends.

"The ends" then are "legitimate" and "within the scope of the Constitution" and "the means" are "appropriate and plainly adapted" (and *a fortiori* not plainly unadapted) to the ends. The only remaining question

is: are these means "prohibited" and do they "consist with the letter and the spirit of the Constitution?"

It is not the burden of Congress to demonstrate affirmatively that the Constitution explicitly authorizes the use of these appropriate means for accomplishing its public ends; rather it is for the plaintiffs to show some explicit withdrawal of that power from it. The only alleged obstruction to the power exercised by Congress is the Due Process Clause: does Congress "deprive" The Children's Hospital or Lyons of "life, liberty or property, without due process of law?"

There are two questions to every issue under the Due Process Clauses and it will make for clarity if they are kept distinct. (1) Has there been deprivation of "life, liberty or property?" (2) If so, what is the justification, *i. e.*, the "due process" of the deprivation?

On the issue of deprivation, we assume, for the purpose of this discussion, that any interference whatsoever, with even the most capricious wish of an individual, however justified by those considerations of the public welfare covered by the term "police power," is a deprivation of "liberty" (using the word in an unqualified sense and not restricting its meaning so as to limit it to a "liberty" regulated by "due process"). In that absolutist sense we concede there has been deprivation here. So long as there is a deprivation of "liberty," it is immaterial whether there is also a deprivation of "property"; but in so far as unrestrained liberty of business action is to be regarded as also a property right, we likewise assume even a formal deprivation of "property."

The only point, then, for consideration here is whether the deprivation, such as it was, is "without due process of law."

This Court has consistently recognized the futility of attempting an inclusive definition of "due process."

The Due Process Clauses embody a standard of fair-dealing to be applied to the myriad variety of facts that are involved in modern legislation. That is why this Court, it is ventured to infer, has refused to draw lines in advance. The impact of facts must establish the line in each case. For the application of the Due Process Clauses is not a mechanical process. In the last analysis it is a process of judgment by this Court. In the application of the varying facts to the test of fair dealing before this Court the ultimate question is: does legislation, or its actual operation, "shock the sense of fairness the Fourteenth Amendment was intended to satisfy in respect to state legislation"? *Chic. & Northwestern Ry. Co.* v. *Nye Schneider Fowler Co.*, decided Nov. 13, 1922.) During the fifty years of extensive judicial unfolding, the central ideas that inhere in this constitutional safeguard have become manifest. A careful study of the long line of cases involving an interpretation of the Fourteenth Amendment, (that Amendment rather than the Fifth has given most material for determination of what is involved in "due process") beginning with the *Slaughter-house Cases* (16 Wall., 36), shows two dominant ideas conceived to be fundamental principles: (1) freedom from *arbitrary* or *wanton* interference, and (2) protection against *spoliation* of property. "Arbitrary," "wanton" and "spoliation" are the words which are the motif of the decisions under the Due Process Clauses. That is as close as we can get to it; it is close enough, when dealing with the great questions of government. What it means, what all the cases illustrate, is that the Fourteenth Amendment intended to leave the States the free play necessary for effective dealing with the constant shift of governmental problems, and not to hamper the States except where it would be obvious to disinterested men that the action was arbitrary and wanton and

therefore spoliative and unjustified. Of course, exactly the same freedom of action, the same scope for legislation, belongs to Congress when dealing with the District.*

> "The citizen may have the right to make a proper (that is, a lawful) contract, one which is also essential and necessary for carrying out his lawful purposes. The question which arises here is, whether the contract is a proper or lawful one, and we have not advanced a step toward its solution by saying that the citizen is protected by the Fifth, or any other amendment, in his right to make proper contracts to enable him to carry out his lawful purposes. . . .
>
> "Notwithstanding the general liberty of contract which is possessed by the citizens under the Constitution, we find that there are many kinds of contracts which while, not in themselves immoral or *mala in se*, may yet be prohibited by the legislation of the States or, in certain cases, by Congress."
>
> *United States* v. *Joint Traffic Association*, 171 U. S., 505, 572-3.

First.—It is not arbitrary, wanton or spoliative for Congress to require the consent of the Board before allowing a wage contract affecting women at below cost, but a valid exercise of the "police power" because of the actual handicaps of women in industry.

In his recent essay on "American Individualism" (Doubleday, Page & Co.) Mr. Secretary Hoover states, in layman's language, the general considerations upon which legislation like the Minimum Wage Law is based:

> "Individualism cannot be maintained as the foundation of society if it looks to only legalistic justice based upon contracts, property and political equality. Such legalistic safeguards are themselves not enough. In our individualism we have long

*Wherever the scope of the Fourteenth Amendment, limiting the States to Due Process, is discussed in this Brief, it will be assumed that the same considerations apply as to Congress under the Fifth Amendment.

since abandoned the laissez faire of the 18th Century —the notion that it is every man for himself, and the devil take the hindmost. We abandoned that when we adopted the ideal of equality of opportunity—the fair chance of Abraham Lincoln. We have confirmed its abandonment in terms of legislation, of social and economic justice. . . . We have learned that the impulse to production can only be maintained at a high pitch if there is a fair division of the product. We have also learned that fair division can only be obtained by certain restrictions on the strong and the dominant (pp. 10-11)."

This has special application to women workers.

It is idle to cite authorities. Quotation could be piled on quotation. This was one of the principal grounds of the State Courts in sustaining this legislation.

"The legislature has evidently concluded that these conditions prevail even in Oregon; that there are many women employed at inadequate wages; the employment *not secured by the agreement of the worker at satisfactory compensation, but at wages dictated by the employer. The worker in such a case has no voice in fixing the hours or wages, but must accept it or fare worse.*" (*Stettler* v. *O'Hara*, 69 Or., 519, 537, italics ours.)

"There is a notion, quite general, that women in the trades are underpaid, that they are not paid so well as men are paid for the same service, and that in fact in many cases the pay they receive for working during all the working hours of the day is not enough to meet the cost of reasonable living. Public investigations by publicly appointed commissions have resulted in findings to the above effect. Starting with such facts, there is opinion, more or less widespread, that these conditions are dangerous to the morals of the workers and to the health of the workers and of future generations as well.

It is a strife for employer and employee to secure proper economic adjustment of their relations so

that each shall receive a just share of the profits of their joint effort. *In this economic strife, women as a class, are not on an equality with men.* Investigating bodies, both of men and of women, taking all these facts into account, have urged legislation designed to assure to women an adequate working wage. The legislatures of 11 states have passed laws having the same purpose as the one here assailed.

It is not a question of what we may ourselves think of the policy or the justification of such legislation. The question is, is there any reasonable basis for legislative belief that the conditions mentioned exist, that legislation is necessary to remedy them, and that laws looking to that end promote the health, peace, morals, education or good order of the people and are 'greatly and immediately necessary to the public welfare?' If there is reasonable basis for such legislative belief, then the determination of the propriety of such legislation is a legislative problem to be solved by the exercise of legislative judgment and discretion. *Holden* v. *Hardy,* 169 U. S., 366, 398, 18 Sup. Ct., 383, 42 L. ed., 780." (*Williams* v. *Evans,* 139 Minn., 32, 40-1, italics ours.)

The line of cases upholding State statutes which limit freedom of contract with women in various ways, rest upon realization of the fact that the mass of women employees cannot secure terms of employment needful from the point of view of public welfare without the weight of legislation being thrown into the scale. (*Muller* v. *Oregon,* 208 U. S., 412; *Riley* v. *Massachusetts,* 232 U. S., 671; *Hawley* v. *Walker,* 232 U. S., 718; *Miller* v. *Wilson,* 236 U. S., 373, 380-1; *Bosley* v. *McLaughlin,* 236, U. S., 385; *Dominion Hotel Co.* v. *Arizona,* 249, U. S., 265; and numerous State decisions, of which *Ritchie & Co.* v. *Wayman,* 244 Ill., 521 and *People* v. *Schweinler,* 214 N. Y., 404, are significant examples).

Second.—It is not arbitrary, wanton, or spoliative for Congress to require employers to pay the cost of woman's labor.

Plaintiff's theory, which prevailed upon the "rehearing," is something like this:

For the sake of conserving the health and morals of women workers, and thereby the next generation, Congress wishes them to have more money. In order to provide this, Congress forbids an employer to employ a woman worker unless he gives her this additional money. Inasmuch as (according to his theory) there is no relation between himself and her need of this additional money, his "liberty" is being limited by purely arbitrary conditions, just as if Congress should require this, say, of John D. Rockefeller, who is not her employer, nor concerned with her in any way. This line of thought has pervaded the entire argument of the plaintiffs.

The short answer to this central claim of plaintiffs is that her employer employs the woman and no other person does. He alone has the use of her working energy, to produce which a cost of not less than $16.50 per week is essential.

From this vital difference of relationship, inherent in his peculiar status as her employer, follow the vital consequences which differentiate him from any other citizen, and furnish the justification for the imposition of her minimum living cost upon him, as distinguished from any other person. The legal significance of the relationship of employer and employee has very recently been expressed by the Chief Justice, in *Truax* v. *Corrigan*, 257 U. S., 312, 329.

> "The broad distinction between one's right to protection againt a direct injury to one's fundamental property right by another who has no special

relation to him, and one's liability to another with whom he establishes a voluntary relation under a statute is manifest upon its statement."

It is the employer, and the employer alone, who receives the benefit of the woman's working energy, which cannot be produced or maintained by less than the reasonably ascertained minimum *cost* of her labor. It provides only for such quantity of food as will preserve her working energy and for such shelter and clothing and maintenance as will save her from deterioration or impairment. This fact is not disputed by the plaintiffs and has been authoritatively and conclusively determined by overwhelming evidence. The significance of this is that the expenditure of a reasonable minimum upon an employee goes to the operation of the industry and merely provides for the cost of that operation. It goes to the maintenance of the energy purchased by the employer and devoted to the industry.

Suppose this minimum wage even allows a pitiably small balance for civilized demands of the human personality over and above the necessities of preserving the working energy in its mere animal aspect. The human being is not mere animal. How is it possible to say that there is no relation between the employer's industry, which uses all the working energy of the worker's life, and the necessary cost of keeping that life, as a civilized being, at work? How is it possible to say that it is "arbitrary," "wanton" or "spoliative" for Congress to require the employer to pay the cost of woman's labor *if he chooses to use it?* Congress does not compel him to use it; all that it says to him is that if he chooses to take its benefit he must pay at least its cost. Even thus limited in its requirement Congress is not rigid. It has made provisions for variations from the normal, it allows for di-

versities among women, and so it grants the employer the right to use labor even at less than its cost, if he can show to the Board a reasonable justification for the issue of a special license.

To legislatures faced with such problems as have confronted Congress and the legislatures of more than a dozen States the requirement that a man pay at least the bare cost of what he uses has been an application of that practical common-sense by which alone human relations can be efficiently adjusted.

Third. The action of Congress was not arbitrary, wanton or spoliative because the direct interest of the District in these particular wage contracts affecting women gave it a special justification for controlling them.

A contract in which a mere living wage for women workers is at stake is not merely the private concern of the employer and the employee, but a tripartite affair involving (1) employer, (2) women employees and (3) the public.

If the employer and women employees, whose wages are below the established minimum, were completely isolated from all reliance upon the outside public no bargain for employment at less than a living wage would be possible, because the deficit between the proposed payment for the labor and the cost of its production and maintenance could not be supplied—or, certainly, could not be supplied for long and maintain American standards of civilization. Without assistance from the public in some form or other no employer could obtain labor below cost nor could any woman give it. In other words, a contract for labor below its cost must inevitably rely upon a subsidy from outside, or result in human deterioration. To the extent of this subsidy, or the deterioration, the public is necessarily concerned; thereby

the public is drawn into the situation; it is not an intermeddler.

This may become still clearer if we frame the implicit terms of the negotiation which the employer demands the unconditional right to make with women employees.

Employer:

> I am to pay to you and you are to receive from me $35.00 a month (and board). You are to give to me and I am to receive from you *all* your working energy.

Woman Employee:

> But, sir, this working energy, of which you are to receive the total, costs at the very least $16.50 a week. How are *we* to get the balance?

Employer:

> We can get it at least in one of three ways: (1) members of your family engaged in other industries will supply it rather than see you starve, or (2) you can "go without" or (3) you can get it from public or private charity.

This is a plain case of relying upon a public subsidy for a private interest, and a State or Congress, acting for the District, has, therefore, a special right to impose conditions upon which the industry or the employee may enjoy the subsidy or even to refuse it absolutely. Congress does not refuse it, but merely imposes conditions upon the grant. It demands to be shown that the subsidy is just and necessary to the satisfaction of a Board acting for the people of the District. Employer has no more Constitutional right to insist upon this grant in aid of his business than a man who undertook to raise bananas in Connecticut would have to demand, as of right, a public subsidy by way of a tariff. Nor has a woman any absolute "right" to give her energies to the employer if

she cannot keep her side of the bargain without public subsidy, or without incurring physical or moral impairment.

There are three possibilities:

(1) If her output really is worth the cost of her labor, then surely there can be no claim for outside assistance.

(2) If her output is not worth its cost because of her inefficiency, such inefficiency usually means that she has not been trained to the best use of her capacities. Surely a State or Congress may induce such training, stimulate efficiency on the part both of employer and employee, and thereby add to the wealth of the community. Experience demonstrates that in fact such efficiency is powerfully stimulated and productivity enhanced by establishing a minimum wage for women. (Part First, pp. 301-334.)

(3) If the worker cannot be trained to yield an output that does pay the cost of her labor, then she can either avail herself of the license conditions imposed by the statute for such cases, or accept the status of a defective to be segregated for special treatment as a dependent. The State or Congress may determine how defectives shall be supported, and not be compelled to grant an indirect subsidy. One of the most baffling problems of the modern state is the treatment of those who are incapable of carrying their own weight. The first step in the solution is to know who is self-supporting and who is dependent. Congress, therefore, may use means, like the present Law, for sorting the normal self-supporting workers from the semi-employables, or the unemployables and then deal with the latter appropriately as a special class, instead of permitting an indiscriminate, unscientific lumping of all workers, with a resulting wasteful confusion of standards.

Fourth.—It is not arbitrary, wanton or spoliative for Congress to require the employer to obtain a license from the Board before he can buy a woman's labor at less than cost, because that is a reasonable means of preventing cut-throat and unfair competition between manufacturers.

If Congress had found that wage contracts involving purchase and sale of women's labor will not be made in any substantial number of cases for less than cost, then Congress could feel that its requirement of prior scrutiny by the Board is unnecessary, because if all wage contracts were for the fair value of the produce they would not affect competitive conditions. Experience, however, proved that Congress could not safely rely on such an assumption, and that legislation, therefore, may fill the gaps caused by the ignorance or helplessness of women workers and the ignorance or avarice of some employers. As against competing employers who accept the dominant standard of dealing towards their female employees, and who have a more enlightened view of the far-reaching consequences upon industry, public health, living standards, etc., of wages below the human minimum, the unscrupulous and narrow-minded employer may obtain at least a temporary advantage by getting women's labor at less than its cost. Such an employer takes advantage of a situation so as to draw upon a public subsidy as a fund which enables him to undersell competitors.

In reply to all this, plaintiff asserts an absolute "freedom of contract," based on a theoretic equality of *all* who enter into contracts, whatever the actual conditions of life may be and however much the facts may disprove such equality. Women to him are men; and to the indisputable testimony of the actual conditions that confront women workers, to the proved handicaps under which they are needlessly suffering, to the differences between men

and women in industry, due to physical differences and to the instability and youth of women workers, Congress must turn a deaf ear because these facts falsify a theory —the theory of abstract equality and of a non-existent "freedom" of choice to work or not to work under the terms imposed by the minority of exploiting or ignorant employers. The plaintiff would avert what Huxley called the tragedy of a fact killing a theory, by putting constitutional sanction behind a false dogma.

For plaintiff's position *is* nothing more than insistence upon a discredited doctrine. In effect, it asserts not merely its individual belief in the doctrine of philosophic anarchy, *i. e.*, that improvement cannot to some extent be achieved by legislation, but it is asking this court to say that such a doctrine of philosophic anarchy is incorporated in the Fifth and Fourteenth Amendments.

Surely it is much too late to yield to such a doctrine. From the very beginning of the subjection of anarchy to law, step by step, legislation has restricted the field of unregulated competition by prohibitions enforced through a great variety of remedies. It has not left right standards to prevail solely through their inherent reasonableness or through enlightened self-interest.

The Chief Justice broadly stated the course of this evolution in *Standard Oil Co.* v. *United States*, 221 U. S., 1.

> "It will be found that as modern conditions arose the trend of legislation and judicial decision came more and more to adapt the recognized restrictions to new manifestations of conduct or of dealing which it was thought justified the inference of intent to do the wrongs which it had been the purpose to prevent from the beginning." (p. 57.)
>
> "It is equally true to say that the survey of the legislation in this country on this subject from the

> beginning will show, depending as it did upon the econnomic conceptions which obtained at the time when the legislation was adopted or judicial decision was rendered, that contracts or acts were at one time deemed to be of such a character as to justify the inference of wrongful intent which were at another period thought not to be of that character. But this again, as we have seen, simply followed the line of development of the law of England." (p. 58.)

Throughout this whole course the State has been putting its power more and more on the side of what the prevailing opinion of the time conceives to be right dealing. "Prevailing opinion" in this case was not a transient or careless expression. A massive body of legislation, conservatively conceived and carefully safeguarded, has now the sanction of time and experience.

The assertion by the state of this power is the history of legislation since the time of Edward I. It is impossible for the state to remain neutral in a contest between men who desire to deal fairly and those who desire to deal unfairly; the state must choose between encouraging unfair conduct by keeping hands off or discouraging it by insisting upon fair play.

There is a substantial mass of legislative recognition both of the illegality of unfair competition in general and of selling below cost, in particular, *e. g.*, The Federal Trade Commission Act; The Clayton Act (Secs. 2 and 3); The Interstate Commerce Act (Sec. 29); State statutes prohibiting price cutting and selling below cost or fair market value collected in the report issued by the Bureau of Corporations in March, 1915, entitled "Trust Laws and Unfair Competition," showing that the following States have adopted such laws: Idaho, Nebraska, South Carolina, Alabama, Mississippi, Tennessee, Texas,

Arkansas, North Carolina; and general laws covering Oklahoma and Wisconsin. (pp. 192 *et seq.*)

That such legislation is constitutionally founded, has of course, been frequently held, in a variety of cases, of which *Central Lumber Company* v. *South Dakota,* 226 U. S., 157, is illustrative:

> "It might have been argued to the legislature with more force than it can be to us that recoupment in one place of losses in another is merely an instance of financial ability to compete. If the legislature thought that that particular manifestation of ability usually came from great corporations, whose power it deemed excessive and for the the reason did more harm than good in their State, and that there was no other case of frequent occurrence where the same could be said, we cannot review their economics or their facts." (p. 161.)

Fifth.—It is not arbitrary, wanton or spoliative for Congress to require the consent of the Board before allowing a woman employee to sell labor below cost, because that is a reasonable means for preventing unfair competition between women employees.

Similar considerations apply to competition between employees, because an employee who sells her labor for less than its cost, availing herself of outside subsidies, is unfairly competing against other seekers for similar employment. Congress might even have prohibited such contracts altogether, because of the effect that such bargains have in dragging down the general standard and encouraging wider and unnecessary dependence upon the subsidies.

Congress, however, did not go to that extreme. It only required that contracts which endangered general standards in this manner must first be approved by the Board. The underlying principle is the same as that

which eliminates prison labor from competition against free labor, and prevents the output of State and charitable institutions to compete without control against self-supporting business.

The essential purpose of the Law is to compel employers to pay the living cost to all their women employees whose product is worth it, and thereby correspondingly protect the efficient against a ruinous competition.

Sixth.—It is not arbitrary, wanton or spoliative for the state to require the consent of the Board before allowing wage contracts of women workers at below cost, because that is a reasonable exercise of power to foster the productivity of industry.

The very preservation of the State and its citizens depend upon the efficiency of its industries to carry the cost of living. That is the primary function of industry. No industry which fails to supply even the bare minimum living requirements of its own workers can possibly be sound. Such an industry instead of aiding in the work of supporting life can be only a burden upon it by precisely the amount of subsidy which it drains from other industries. The fundamental policy represented by this Act is the stimulation of individual enterprise, the prevention of taxation upon sound industries for the artificial support of unsound ones. The aim it encourages is to make industries self-supporting.

In truth this is a measure of conservation and preservation of the human resources of the State, which is of even deeper and more primary importance to human self-preservation than the conservation of the natural resources. And so its constitutionality follows, *a fortiori*, from the line of cases which support statutes passed for

the preservation and effective utilization of natural resources. *Hudson Water Co.* v. *McCarter,* 209 U. S., 349; *Mount Vernon Cotton Co.* v. *Alabama Power Co.,* 240 U. S., 30; *Pacific Live Stock Co.* v. *Oregon Water Board,* 241 U. S., 440; *Walls* v. *Midland Carbon Co.,* 254 U. S., 300.)

Even if the Law had gone beyond the mere protective necessity into the realm of affirmative public welfare, it would still be constitutional within the principle laid down in *Bacon* v. *Walker,* 204 U. S., 311:

> "That power [the police power] is not confined, as we have said, to the suppression of what is offensive, disorderly or unsanitary. It extends to so dealing with the conditions which exist in the State as to bring out of them the greatest welfare of its people" (p. 318).

Industry under modern conditions has come to be one of the most important fields in which the interrelation of human beings requires supervision by the state. To-day the center of gravity of the state is industry, just as in feudal days it was land. The common law met the demands of the feudal period by working out the incidence of feudal tenure as a body of reciprocal rights and duties between lord and man flowing from the relationship of tenure. In fact, the conception of rights and liabilities as dependent on relationship rather than upon the unregulated desire of individuals is at the very center of the whole common law system. ("If we must find a fundamental idea in the common law it is relation, not will." Dean Pound's "Interpretations of Legal History," Cambridge University Lectures, III, pp. 56, *et seq.* (1923); and see *Truax* v. *Corrigan,* 257 U. S., 312,

329, *supra.*) All that is necessary is to recognize these true common law principles, to recognize the common law concept of relation, and to make the detailed application in the change from an agricultural to an industrial society. This harmonizes modern decisions and legislation, and makes them consistent with a true conception of our inherited common law. (See Dean Pound's "Spirit of the Common Law," Lecture I, pp. 1, 31.)

The ability of the community to modify the legal rules which represented prior community standards must still remain. Millions of women industrial workers—working not for pleasure, but to earn a livelihood—is a new phenomenon.* Our Constitution is equal to the problems this raises. It is of the very essence of the common law system—including the minor judicial and the major legislative modifications—to regard the law-making energies of the state as progressive activities to meet needed changes.

> "It is more consonant to the true philosophy of our historical legal institutions to say that the spirit of personal liberty and individual right which they embodied was preserved and developed by progressive growth and wise adaptation to new circumstances and situations of the forms and processes found fit to give, from time to time, new expression and greater effect to modern ideas of self-government.
>
> "This flexibility and capacity for growth and adaptation is the peculiar boast and excellence of the common law. . . . .
>
> "The Constitution of the United States was ordained it is true by descendants of Englishmen, who inherited the traditions of English law and history;

*See "The Occupational Progress of Women", Bulletin No. 27, Women's Bureau, U. S. Department of Labor. Government Printing Office, 1922. Introduction and Summary, pp. 1-6, and Table XIII, p. 33.

but it was made for an undefined and expanding future, and for a people gathered and to be gathered from many nations and of many tongues. . . . .

"There is nothing in Magna Charta, rightly construed as a broard charter of public right and law, which ought to exclude the best ideas of all systems and of every age; and as it was the characteristic principle of the common law to draw its inspiration from every fountain of justice, we are not to assume that the sources of its supply have been exhausted. On the contrary, we should expect that the new and various experiences of our own situation and system will mould and shape it into new and not less useful forms." (*Hurtado* v. *California*, 110 U. S., 516, 530-1; see also *Holden* v. *Hardy*, 169 U. S., 366, 385-387.)

We are here dealing with an exercise of the same public power as that of the common law in the past. With its exercise in the past we are familiar. Its application to the needs of a changing present gives an illusion of novelty to the new exercise of an old power. This novelty must not be allowed to deceive; the unfamiliar must not now, any more than in the past, be denied as "unconstitutional." New circumstances call for new effort, and the Fifth and Fourteenth Amendments have left unimpeded the power of conscientious statesmanship to grapple with new difficulties.

Seventh.—The so-called "liberties" of which the plaintiffs claim to have been deprived were merely fanciful and theoretical and not substantial. Therefore it was not "arbitrary," "wanton" or a "spoliation" for Congress to allow great public interest to prevail over them.

To be sure, the "liberty" protected by the Fifth and Fourteenth Amendments leaves a man, within limits,

to do what he likes and be sole judge of his wishes and interests. But before these rights can be entitled to constitutional protection they must be susceptible of translation into terms of substance and human satisfaction and not merely theoretical caprices, unrelated to real action in a finite world. In balancing individual rights against the power of Congress or a State the Constitution is not "formal rather than vital," and its limitations are not mere "mathematical formulas having their essence in their form" rather than "organic living institutions transplanted from English soil" (*Gompers* v. *United States,* 233 U. S., 604, 610).

What is the "liberty" which these plaintiffs assert and show to be really curtailed? It is nothing but the "liberty" of not being required to get leave of the Board before making contracts below a living wage.

It is true that plaintiffs claim they have been deprived of the actual liberty of making the contract itself, but this is to assume, without any basis whatever, that the Board would have rejected any applications that might have been made. Neither of the plaintiffs asserts that his case is not within the scope of the license clause (Sec. 13), or that application has been made and refused.

Children's Hospital alleges that "said women employed in said hospital for children, who receive less than $16.50 are incompetent by reason of age, inability or otherwise to earn more" (Children's Hospital, R., fol. 8). Similarly, Lyons makes no allegation that she is not within the class to whom licenses are available under Sec. 13, *i. e.,* those "whose earning capacity has been impaired by age or otherwise." In the absence of proof to the contrary, the Court will, of course, assume that the Board will grant an appropriate request (*Gundling* v. *Chicago,* 177 U. S., 183, 186; *Mutual Film*

Corporation v. *Industrial Commission,* 236 U. S., 230, 245-6; *Lehon* v. *Atlanta,* 242 U. S., 53). Without any showing that applications for licenses would have been fruitless, or were made and denied, plaintiffs are in no position to assert a loss of the right to do what, for all that appears, they might have been permitted to do.

But their claim is still more fragile. Children's Hospital complains that the Act will necessarily restrict it

> "to the employment only of women who are capable of performing labor sufficient to earn said sum of $16.50 per week or more" (Children's Hospital, R., p. 7, fol. 8).

In other words, the so-called "liberty" which Children's Hospital claims is merely a "liberty" to employ less-than-$16.50-women for less than $16.50 instead of $16.50-women for $16.50. It may well be that it is to the advantage of Children's Hospital to employ the more efficient because that may make for greater stability, less labor turn-over and increased effectiveness, and thereby economy, in the management of the Hospital. Nor must it be lost sight of that Congress necessarily must deal with the generality of instances; with business in general, and not with the isolated case of a private hospital. The inclusion or exclusion of the rare case in a general classification is always a difficult matter for legislative discretion. But, necessarily, law is intended for and must be judged by its general operation. And the evidence is overwhelming that the minimum wage laws have made for greater stability for business and increased profits. (See Part First, pp. 301-544.)

Similarly, the "liberty" which Lyons asserts is fictitious, unreal and against her own interest. She makes

the remarkable allegation that $35 a month and two meals a day are

> "the best wages and compensations for her labor that *she is able to receive* for any employment of labor that she is capable of performing," (Lyons R., p. 21, fol. 27, italics ours).

This carefully framed language avoids any allegation that her labor is not worth at least $16.50 or costs her less to produce. Moreover, it is perfectly plain that Lyons presents an "inspired" case, filed not in her own interest but in support of that of The Children's Hospital. The Court will take note of identity of pleadings, identity of counsel in the two suits and the submission, below, of the Lyons case upon the brief submitted in behalf of The Children's Hospital. Palpably, the Court has before it "a friendly suit" to overturn an Act of Congress.

> "The theory upon which, apparently, this suit was brought is that parties have an appeal from the legislature to the courts; and that the latter are given an immediate and general supervision of the constitutionality of the acts of the former. Such is not true. Whenever, in pursuance of an honest and actual antagonistic assertion of rights by one individual against another, there is presented a question involving the validity of any act of any legislature, State or Federal, and the decision necessarily rests on the competency of the legislature to so enact, the court must, in the exercise of its solemn duties, determine whether the act be constitutional or not; but such an exercise of power is the ultimate and supreme function of courts. It is legitimate only in the last resort, and as a necessity in the determination of real, earnest and vital controversy between individuals. It never was the thought that, by means of a friendly suit, a party beaten in the

> legislature could transfer to the courts an inquiry as to the constitutionality of the legislative act.'"*
>
> *Chicago St. Ry. Co.* v. *Wellman,* 143 U. S. 339, 345.

Of course, in determining whether the "liberty" asserted is real, the Court considers the substantiality of the claim in its ordinary operation. In this particular situation, the Court will not be blind to the fact that the only possible financial advantage, which would accrue from the invalidation of the Act, depends upon the hypothesis that it prevents the employer from getting labor at less than the true value of its product. For it is preposterous to suppose that an employer would really exercise or value, in his actual business operation, the "liberty" which he here claims, namely, a "liberty" to employ an inefficient woman in place of an efficient one, if he proposed to pay in either case what the output is really worth.

Clearly, therefore, the claims of "liberty" urged by the plaintiffs do not reach the level of those protected by the Constitution.

Eighth.—The alleged deprivations of "property" are either merely nominal like the so-called "liberties," or hypothetical and unsubstantiated; and therefore, were not dealt with arbitrarily or wantonly or as a spoliation.

As to "property" Lyon shows no deprivation whatever that can be distinguihed from her claim in regard

*Apropos of the allegation by Children's Hospital that "less competent employees will be prevented from laboring for this plaintiff" (Children's Hospital R., p. 7, fol. 8), the following observation from *Holden* v. *Hardy,* 169 U. S. 366, 397, is pertinent:

"It may not be improper to suggest in this connection that although the prosecution in this case was against the employer of labor his defence was not so much that his right to contract has been infringed upon, but that the Act works a peculiar hardship to his employees, whose right to labor as long as they please is alleged to be thereby violated. The argument would certainly come with better grace and greater cogency, from the latter class."

to "liberty." Therefore, no further special consideration of her case is necessary on this point.

The Children's Hospital claim is that "to be compelled to pay said wage fixed by said Board to all of its said employees would so increase its cost of operation that it could not attempt to conduct its said Hospital within its income." (Children's Hospital R., p. 7, fol. 8.)

Before considering other decisive answers to this claim, let us point out one which disposes of it at the threshold, namely, that the statute itself provides plaintiff the means of avoiding any property loss by the provision of Section 13 already discussed, in respect to special licenses. Whatever claim may be urged that this requirement of application for licenses amounts to a deprivation of "liberty," however fantastically conceived, it certainly cannot be said that it amounts to any deprivation of "property." The plaintiff cannot possibly suffer a loss if he applies for and obtains a license. The Act itself safeguards the right for which plaintiff asks this Court gratuitously to strike it down. (*Gundling* v. *Chicago*, 177 U. S., 183; *Lehon* v. *Atlanta*, 242 U. S., 53).

Mere prophesies of disaster cannot prevail. Until an adverse experience is shown, plaintiff is without grievance to nullify the legislation of Congress or state. This Court will not overturn the legislative judgment on a mere guess, when, in fact, experience may disprove the guess.

As to this Law experience *has* disproved the guess. The plaintiffs ask this Court to substitute their hypothesis for the vindicated judgment of Congress. A great variety of industries in the District—the printing, publishing and allied industries, the mercantile industry, hotel, restaurant and allied industries, laundry and dry cleaning

industry,—have for some time, and under the crucial test of "hard times," been carrying on under the operation of the Law. There has thus been an opportunity to test by experience the claim of arbitrariness, of spoliation, which is what the claim of unconstitutionality means—and it means nothing short of that. No adverse experience has been disclosed. The facts, of which this Court will take judicial notice, show the beneficial effects of the Law's operation, without hardship to industry or hindrances to employment (Part First, pp. 1, *et seq.*). The prophecies of disaster or injury have been falsified wherever the legislation has been tried—and ten years of such experience is now before this Court (Part First, pp. 481-7, 501).

The general operations of a law must determine whether it "shocks the sense of fairness" enforced by the Due Process Clauses, so long as discrimination is not designedly practised against isolated instances. Here there is no claim of discrimination against the individual instance, but a challenge against a Law, fair and beneficial in its operations, because of a fear of possible hardship in a single case, at best of unusual circumstances. Such individual claim, even if proved, cannot prevail against an Act of Congress passed, as was this, within the scope of its legislative power. But in this case we have a total absence of proof that the operation of the Law puts the plaintiff to loss, *i. e.*, measurable diminution of wealth or arbitrary restriction of enterprise.

Of course equity may be invoked to prevent irreparable injury, before loss. To make such a case, however, the imminence of the injury must be something more than a mere guess, something more than a mere partisan claim of a litigant in a situation which involves so "many elements of uncertainty in the calculation." (*Northern*

Pacific Railway Co. v. *North Dakota,* 216 U. S., 579, 580-1.) If an individual instance can give rise to a constitutional challenge at least the imminence of the injury must be demonstrable as an unavoidable result of the operation of the Law.

The attitude to be observed towards a hypothetical claim of harm towards a speculative assertion of unconstitutionality has thus been indicated in another but applicable case (*Chicago Railway* v. *Wellman,* 143 U. S., 339):

> "The silence of the record gives us no information, and we have no knowledge outside thereof, and no suspicion of wrong. Our suggestion only indicates how easily courts may be misled into doing grievous wrong to the public *and how careful they should be not to declare legislative acts unconstitutional upon agreed and general statements, and without the fullest disclosure of all material facts.*" (p. 346.) (Italics Ours.)

The present record wholly fails to show any actual existing loss. The plaintiff merely dolefully predicts loss, and the prediction is based upon a construction of the Act which it does not bear, or upon a gloomy theory of industrial economics which all available experience disproves.

The claim of Children's Hospital, quoted above alleges its inability to conduct the Hospital within its income "along the lines the same as now conducted" (Children's Hospital, R., p. 7, fol. 8) if it "be compelled to pay the said wage fixed by said Board to all of its said employees." But the Act imposes no such compulsion; it does not require the Hospital to increase the wages of these particular women. As we have seen, it only forbids continued employment at less than the fixed minimum

without leave of the Board, the granting of which, upon appropriate request, this Court will presume in absence of a showing to the contrary. (*Gundling* v. *Chicago*, 177 U. S., 183, 186, *supra; Mutual Film Corporation* v. *Industrial Commission*, 236 U. S., 230, 245-6 *supra.*) If the terms of the Act had prevented employers from getting employees on a self-supporting basis, or if the complaint had alleged that it is impossible to find such a supply, we might then have had a case at least of certain deprivation of property in the future, the loss of which equity could forestall in a proper case.

There are two short answers to such a claim. In the first place, the Act in no wise imposes such a restriction, and in the second place, Children's Hospital in no wise alleges that its property will be so affected. The reason it makes no such allegation is that it would thereby call into question the basic assumption of our social structure. For, in effect, it would be tantamount to saying that labor cannot earn its cost,—which means that society cannot be self-supporting, even if human energy is adequately employed and properly directed to productive ends.

POINT V.

The majority opinion of the Court of Appeals erects notions of policy into constitutional prohibitions.

Our argument, thus far, has dealt affirmatively with the clear justification of Congress in passing this Law, and thereby has met the relevant considerations of the opinion of Mr. Justice Van Orsdel. A central fallacy, we submit, envelopes his opinion—its failure to consider the specific Law passed by Congress and the only Law be-

fore the Court with its history, its purposes, its operation. Instead of dealing with *the* Minimum Wage Law for women, called into question, illumined by the facts which gave rise to it and to the experience to which it has given rise, Mr. Justice Van Orsdel considered an abstract and not a judicial question: "The general power of Congress to fix wage contracts between private individuals." (R., 58.) No such "general power" has been exercised by Congress, no such power is here involved. The argument means, in essence, that a specific statute aimed at women's —and, therefore, society's—welfare is to be disregarded because some other statute, *not dealing with women* (which neither Congress nor any State legislature has evinced the slightest intention of passing) would be unconstitutional. That is "pressing the broad words of the Fourteenth Amendment to a drily logical extreme" (*Noble State Bank* v. *Haskell,* 219 U. S., 104, 110) with a vengeance. This error permeates, we submit, the opinion of the two justices who reversed their two colleagues.

Specifically:

I. There is no constitutional prohibition against legislation affecting the wage contract as such.

Mr. Justice Van Orsdel assumes a specific constitutional prohibition against interference with a wage contract. Only such a constitutional provision would make relevant his argument:

> "If Congress may establish a minimum wage for women, it may establish a maximum wage, or it may name a fixed wage. If it may regulate wages for women, it may by the exercise of the same power establish the wages to be paid men. The power of

> Congress to fix wages between private individuals is either constitutional or unconstitutional. There is no leeway for legislative or judicial discretion. A fundamental principle is involved; and it does not lie in the courts to declare a law fixing the wages of women constitutional and a law fixing the wages of men unconstitutional." (R., 58.)

But, of course, this wholly misconceives the scope and limitations of the Constitution. There is no specific prohibition against dealing with the wage contract as such. There is only the guarantee of fair dealing, the satisfaction of "the sense of fairness" of the Due Process Clauses. And, so we find, that the wage contract *has* been interfered with by legislation with the sanction of this Court—legislation which directly affected the money value of the wage contract, operated to the financial advantage of one side and of alleged cost to the other. Payment in cash as against store orders (*Knoxville Iron Co.* v. *Harbison,* 183 U. S., 13); payment on basis of coal mined before being screened (*McLean* v. *Arkansas,* 211 U. S., 539); semi-monthly cash payments (*Erie R. R.* v. *Williams,* 233 U. S., 685)—all these requirements affected money terms, cash value, all involved legislative interferences with wage contracts, all were sustained because each was found a not unreasonable means to safegaurd a public interest. Each case was decided not on any absolutist assumption of immunity of wage contracts from legislative interference but quite the opposite: the concrete circumstances of each case negatived *arbitrary* restraint. So, by the circumstances which give meaning to the Minimum Wage Law for women *it* must be judged. And those circumstances, as Parts First, Second, and Third show, overwhelmingly prove that Congress enacted a reasonable regulation.

II. Congress may and did protect women in industry because they are women. The political equality of woman is an irrelevant factor.

The great fact that this legislation applies solely to women has no relevance for Mr. Justice Van Orsdel. "If it [Congress] may regulate wages for women, it may by the exercise of the same power establish the wages to be paid men" (R., 58). "No reason is apparent why the operation of the law should be extended to women to the exclusion of men, since women have been accorded full equality with men in the commercial and political world. Indeed, this equality in law has been sanctioned by Constitutional amendment . . ." (R., 61). The argument was long ago anticipated and answered, in classic language, by this Court. Men and women remain men and women eternally.

> "Though limitations upon personal and contractual rights may be removed by legislation, there is that in her disposition and habits of life which will operate against a full assertion of those rights. She will still be where some legislation to protect her seems necessary to secure a real equality of right. Doubtless there are individual exceptions, and there are many respects in which she has an advantage over him; but looking at it from the viewpoint of the effort to maintain an independent position in life, she is not upon an equality. Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men and could not be sustained. . . . . Even though all restrictions on political, personal and contractual rights were taken away, and she stood, so far as statutes are concerned, upon an absolutely equal plane it would still . . . . justify legislation to protect her from the greed as

well as the passions of men. The limitations which this statute places upon her contractual powers, upon her right to agree with her employers as to the time she shall labor, are not imposed solely for her benefit, but also largely for the benefit of all. Many words cannot make this plainer." (*Muller* v. *Oregon*, 208 U. S., 412, 422-23, quoted in *Miller* v. *Wilson*, 236 U. S., 373, 380-81; see also the recent decision in *First Wisconsin Nat. Bank* v. *Milwaukee Patent L. Co.*, 190 N. W., 822; Wis. , decided Dec. 5, 1922.)

III. "Adair v. United States" (208 U. S. 161) and "Coppage v. Kansas" (236 U. S. 1) are wholly inapplicable.

The true significance of these cases brings into sharp relief the considerations of public health, morals and general welfare which are the very basis and immediate aims and accomplishment of the Minimum Wage Law for women *and which were not asserted or presented by the statutes involved in the earlier cases.* Their meaning was only recently summarized, by the Justice who wrote for the Court in the Coppage case:

"*Adair* v. *United States*, 208 U. S., 161, 174-175; *Coppage* v. *Kansas*, 236 U. S., 1, 17, dealt with statutes—the former with an Act of Congress making it criminal for a common carrier in interstate commerce to discharge an employee because of his membership in a labor organization; the latter with a state law making it criminal to prescribe as a condition upon which one might secure or retain employment that the employee should agree not to become or remain a member of any labor organization while so employed; and this in the absence of contract between the parties, coercion on the part of the employer, or incapacity or disability on the part of the employee. In accord with an almost unbroken current of authority in the state courts holding stat-

utes of that character to be invalid, this court came to a like conclusion. In the latter case there was a direct interference with freedom in the making of contracts of employment *not asserted to have relation to the public health, safety, morals or general welfare beyond a purpose to favor the employee at the expense of the employer, and to build up the labor organizations,* which we held was not properly an exercise of the police power." (*Prudential Ins. Co. of America* v. *Check,* 259 U. S., ; decided June 5, 1922. Italics ours.)

IV. Neither in reason nor in experience does the Minimum Wage Law for women imply power "to fix the prices of all commodities entering into the determination of an equitable wage." (R., 59).

The contention of the majority opinion is conclusively met by Mr. Chief Justice Smyth:

> "It is argued that in order that a fair minimum wage may be fixed, it is necessary to ascertain the cost of rent, clothes, food, and recreation. Not at all. As well say that a railroad rate can not be determined by the Interstate Commerce Commission until the price of iron, steel, land, coal, clothing, etc., used by the railway has been found. No such course has ever been followed in fixing a railroad rate, nor is it necessary that it should be. The body charged with fixing the rate may assume that the prevailing prices with respect to the other things are reasonable, in the absence of any showing to the contrary." (R., 78.)

V. No basis whatever for claim that "experience has demonstrated that a fixed minimum wage means, in the last analysis, a fixed wage; since the employer, being compelled to advance some to a wage higher than their earning capacity, will, to equalize the cost of operation, lower the wage of the more competent to the common basis." (R., 64).

Whatever "the last analysis" may prove "experience," with all respect to Mr. Justice Van Orsdel, demonstrates just the opposite of what he suggests. The proof is absolutely conclusive and uniform, as a result of long trial under all kinds of circumstances—"good times" and "hard times"—in many jurisdictions.

On all these questions we appeal from "judgment by speculation" to "judgment by experience". (*Tanner* v. *Little,* 240 U. S., 369, 386.) Experience will be classified as follows:

Part First.—The Successful Working of Minimum Wage Legislation.

Part Second.—The Minimum Wage Laws.

Part Third.—The Need for Minimum Wage Legislation in the District of Columbia and Generally in the United States.

FIRST PART.

THE SUCCESSFUL WORKING OF MINIMUM WAGE LEGISLATION.

1. Unfair Depression of Lowest Wage Levels of Women Workers Lessened or Removed.

Minimum wage legislation has raised the wages of the workers at the bottom of the wage scale. The level attained varies from state to state according to the determination of each wage board or commission upon the facts and after hearing as to the necessary cost of living sufficient to maintain the worker in health.

The evidence is presented by states under the following headings:

(1) Minimum Wage Orders.

(2) Wage Investigations and Minimum Ordered.

(3) Reinvestigations for Compliance with Minimum Ordered.

(4) Peculiar Local Experience.

District of Columbia.

(1) Minimum Wage Orders. [Summarized.]

No. 2. *Printing, Publishing and Allied Industries.* Effective August 13, 1919. Experienced females, $15.50. Learners: 3 months at $8, 3 months at $9, 3 months at $11, 3 months at $12.

No. 3. *Mercantile Industry.* Effective October 28, 1919. Experienced females, $16.50. Learners: 3 months at $12.50, 4 months at $14.50. Minors (under 18): 4 months at $10, 4 months at $11.50, 4 months at $13, 6 months at $14.50, thereafter $16.

No. 4. *Hotel, Restaurant and Allied Industries.* Effective May 26, 1920. Any female, 34½ cents per hour, $16.50 per week, or $71.50 per month. Deductions permitted: for bona fide meals, 30 cents, for lodging, $2 per week. (Tips are not legal wages.) (Nurses in training are not included.)

No. 5. *Laundry and Dry Cleaning Industry.* Effective March 19, 1921. Experienced females, $15. Learners, 2 months at $9, 2 months at $11, 2 months at $13.

(2) Wage Investigations and Minimum Wages Ordered.

District of Columbia. Minimum Wage Board. A Study of the Work and Wages of Women in Printing, Publishing and Allied Trades in the District of Columbia. January, 1919.

There were approximately 45 commercial and 5 non-commercial printing, publishing, bookbinding, engraving, lithographing, multigraphing and duplicating firms in the District of Columbia employing women during the month of January, 1919. (Page 1.)

	Wages of 318 Women Employed in 36 Job Printing and Publishing Plants in the District of Columbia				Official Minimum Wage Based on the Cost of Living*
	Rate (Cumulative)		Earnings (Cumulative)		
	No.	Percent.	No.	Percent.	
Less than $ 6	0	0	42	13.2	
Less than $ 9	24	7.6	89	28	
Less than $11	96	30.2	150	47.2	
Less than $13	195	61.3	219	69	$15.50
Less than $15	218	68.6	247	77.7	Aug. 13, 1919
Less than $16	282	88.7	281	88.4	
$16 and over	36	11.3	37	11.6	
Total	318		318		

This disparity between rates and earnings was due in some cases to bad time-keeping on the part of the workers, in other cases to sickness, and in still others to irregularity of employment. (Page 2.)

*See Order No. 2, June 13, 1919, for additional rates for learners.

Ordinarily the printing trade is seasonal in character, but during the past year almost all plants were running at more than full capacity. There was work for all who were willing to take the wages offered.

The difference between rates and earnings, therefore, was largely due to illness or bad time-keeping. In either case it is worthy of study. In so far as illness is due to lack of nourishment or proper clothing and shelter, an adequate living wage would reduce this factor of irregularity in attendance and make for greater efficiency. Bad time-keeping has often been traced to inefficiency in management and to low wages. The wage data in possession of the Board are insufficient to draw conclusions therefrom as to the correlation between low wages and irregularity of employment. (Page 3.)

United States. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. Wages of Women and Minors in the Mercantile Industry in the District of Columbia. June, 1919.

Women Employees in 109 Mercantile Establishments Receiving Each Classified Weekly Rate or Under, by Kind of Establishment. (Cumulative Per Cent.)

Kind of Establishment	No. Investigated	Percent. of Women with Rates of—									Official Minimum Wage Based on the Cost of Living*
		$8 and under	$9 and under	$10 and under	$11 and under	$12 and under	$13 and under	$14 and under	$15 and under	$16 and over	
Department stores	3,190	12.2	17.0	31.7	33.9	58.2	61.1	67.8	79.6	20.4	
5, 10 and 15 cent stores	254	7.9	21.7	50.4	58.3	81.1	83.7	85.8	94.1	5.9	
Millinery stores	67	7.5	7.5	14.9	16.4	23.9	23.9	26.9	49.3	50.7	
Dry goods stores	24	.....	.....	29.2	45.8	62.5	62.5	66.7	87.5	12.5	$16.50
Ladies' specialty stores	631	3.5	8.1	13.8	15.5	28.8	32.2	36.9	59.9	40.1	Oct. 28, 1919
Fruit and grocery stores	73	.....	.....	1.4	2.7	5.5	5.5	8.2	31.5	68.5	
Miscellaneous stores	370	4.1	7.0	14.3	15.4	27.0	28.6	34.6	51.6	48.4	
Total	4,609	9.8	14.7	28.2	30.6	51.6	54.3	60.4	74.3	25.7	

A comparison of the wage rates (compiled from Tables 2 and 3) (Pages 193-4) brings out some interesting facts. In 5, 10, and 15 cent stores 81.1 per cent of the

*See Order No. 3, August 29, 1919, and Supplement to Order No. 3, October 14, 1919, for additional rates set for apprentices and minors.

women employed had a weekly rate of $12 and under and only 5.9 per cent a rate of $16 or over. In department stores 58.2 per cent had rates of $12 and under and 20.4 per cent rates of $16 or over. In contrast 40.1 per cent of the women employed by the ladies' specialty stores were receiving $16 or over per week and 63.1 per cent were receiving $15 or over. In the millinery establishments one-half of the woman employees received $16 and over per week and almost 75 per cent $15 and over. The seasonal character of the millinery trade must, however, be considered in connection with these wage figures. No woman employed in fruit and grocery stores received less than $10 per week and 68.5 per cent received $16 and over. In miscellaneous establishments almost 50 per cent of the women had rates of $16 or over. These rates in fruit and grocery and miscellaneous stores were due in large measure to the preponderance of office employees, a more highly paid group of workers. (Page 194.)

Woman Employees in 109 Mercantile Establishments Receiving Each Classified Weekly Rate or Under, by Occupation. (Cumulative Per Cent.)

Occupation	No. Investigated	Percent. of Women with Rates of—									Official Minimum Wages Based on the Cost of Living*
		$8 and under	$9 and under	$10 and under	$11 and under	$12 and under	$13 and under	$14 and under	$15 and under	$16 and over	
Saleswomen	2,471	2.3	6.6	22.9	25.3	52.2	54.6	61.0	74.6	25.4	
Office employees	810	1.5	2.2	9.4	10.6	26.8	30.7	38.6	54.3	45.7	
Alteration workroom employees	346	.....	1.4	8.1	9.0	29.8	33.5	42.5	73.1	26.9	
Millinery workroom employees	85	9.4	10.6	15.3	18.8	29.4	30.6	31.8	58.8	41.2	$16.50 Oct. 28, 1919
Miscellaneous employees—white	481	31.2	38.3	57.0	61.1	72.6	74.0	78.4	87.5	12.5	
Miscellaneous employees—colored	416	53.8	71.6	82.2	85.8	95.0	97.6	99.0	99.8	.2	
Total	4,609	9.8	14.7	28.2	30.6	51.6	54.3	60.4	74.3	25.7	

(Compiled.) (Pages 195-196.)

From the data it is evident that approximately 50 per cent of all saleswomen, as contrasted with 26.8 per cent of

* See Order No. 3, August 29, 1919, and Supplement to Order No. 3, October 14, 1919, for additional rates set for apprentices and minors.

the office employees, received $12 or under per week. In the group $16 and over the percentages were 25.4 per cent for saleswomen and 45.7 per cent for office employees. The weekly rates for millinery workroom employees fell a little below those for office employees, 29.4 per cent receiving $12 and under and 41.2 per cent $16 and over. The comparatively large proportion of employees in millinery workrooms receiving $8 or under per week may be explained by the low rates paid to apprentices or learners. None of the alteration workroom employees had rates of less than $9 per week; one-fourth received $16 or over; and a majority of the remainder received either $12 or $15 per week. Rates received by miscellaneous employees fell considerably below the rates received in the specified occupations, 57 per cent of the whites and 82.2 per cent of the colored receiving $10 or under per week. (Page 195.)

This survey of the wages paid in the mercantile industry may be summarized as follows: One-half of all women employed in this industry were receiving $12 or less per week. This large proportion of low-paid workers was not made up of unskilled employees alone, for 54 per cent of them were saleswomen. It is obvious that a wage of $12 is far below that required by a self-supporting woman to meet the necessary cost of living and to maintain herself in health and comfort. (Page 205.)

District of Columbia. Minimum Wage Board. Bulletin No. 3. Wages of Women in Hotels and Restaurants in the District of Columbia. October 10, 1919.

Before proceeding to an analysis of the wage situation three important characteristics of the hotel and restaurant industry should be noted: the excessive labor turnover; the practice of tipping; and the prevalence of forms of compensation other than money wages. (Page 4.)

It was found that the only group who received an appreciable amount in tips—the waitresses in restaurants—received much higher wages than did the groups

who were not in a position to augment their earnings by this method. In general, it may be said that the low wages of women prevailing in hotels and restaurants in the District are not offset by tips. (Page 5.)

In order to ascertain the wages actually received by these women, some estimate must be made of the value of this additional compensation. The minimum cost of room and board for a self-supporting woman in the District of Columbia was estimated by the Conference on the Printing and Publishing Industries as $9 per week, by the Mercantile Conference as $9.30 per week.

Computing the cost of board as two-thirds of the total for room and board, $6 is arrived at as the approximate minimum expenditure for this item. (Page 6.)

We have attempted to show in the foregoing analysis that the value to the employee of the room or board or both tendered by the employer in lieu of wages is not so great as that placed upon these necessities by the conferences, namely $9 and $9.30 a week. We have also shown that the cost of these items to the employer measured by the charge made employees for the same was considerably less than $9 a week. The question arises which is to determine the allowance made for these accommodations, the value to the employee or the cost to the employer. (Pages 7-8.)

Therefore, although in this case the facts show these figures to be too high, to avoid all questions of having minimized the cost to the employer or the value to the employee of the extra compensation received by the women concerned we have allowed the full weekly amounts of $9 for room and board and $6 for three meals per working day and a proportionate amount where less than three meals per day were received. Thus in this report a weekly wage of $7 in addition to room and board, of $10 in addition to three meals per working day, of $12 in addition to two meals per working day, of $14 in addition to one meal per working day is considered equivalent to a $16 straight money wage. (Page 8.)

Table III. Number and Per Cent of Women Employees in Hotels and Restaurants Receiving Each Classified Weekly Rate, by Compensation Received per Working Day in Addition to Wages.

Number

Compensation in Addition to Wages	Women Employees with Rates of—												Official Minimum Wage Based on the Cost of Living*
	Under $7	$7 and under $8	$8 and under $9	$9 and under $10	$10 and under $11	$11 and under $12	$12 and under $13	$13 and under $14	$14 and under $15	$15 and under $16	$16 and Over	Total	
Room and three meals	86	4	11	10	5	3	1	7	.....	1	10	138	
Three meals	213	55	195	228	219	60	238	44	70	49	68	1439	
Two meals	42	26	44	14	10	16	23	5	5	2	9	196	
One meal	26	5	11	2	1	2	.....	.....	1	1	7	56	
Nothing	20	8	59	172	25	11	4	17	.....	6	56	380	
Total	387	98	320	426	260	92	266	73	76	61	150	2209	
Percent. (Cumulative)													$16.50 May 26, 1920
Room and three meals	62.3	65.2	73.2	80.5	84.1	86.3	87.0	92.1	92.1	92.8	7.2	100	
Three meals	14.8	18.6	32.2	48.0	63.2	67.4	83.9	87.0	91.9	95.3	4.7	100	
Two meals	21.4	34.7	57.1	64.2	69.3	77.5	89.2	91.8	94.4	95.4	4.6	100	
One meal	46.4	55.3	74.9	78.5	80.3	83.9	83.9	83.9	85.7	87.5	12.5	100	
Nothing	5.3	7.4	22.9	68.1	74.7	77.6	78.7	83.2	83.2	85.3	14.7	100	
Total	17.5	21.9	36.4	55.7	67.5	71.7	83.7	87.0	90.4	93.2	6.8	100	

(Computed.) (Page 9.)

Using the estimates of the value of room and board which we have accepted as a working basis, we find from these figures that 1300, or 58 per cent, of the 2209 women for whom wage data were obtained were receiving less than $16 or its equivalent per week. A general average in this instance tends to conceal the real wage situation. A classification according to type of establishment gives a much clearer picture of the facts. Of the women employed in the industry, 72.2 per cent in hotels, 42.6 per cent in restaurants, 82.3 per cent in hospitals and 100 per cent [fourteen employees] in apartment houses were receiving less than $16 a week or its equivalent.

*See Order No. 4, March 26, 1920, for value of other compensation than wages.

In the general average the higher rates prevailing in restaurants offset the lower rates in hotels and hospitals. The apartment house employees included in this study were too few in number to affect the general figures.

A further analysis of Table III reveals striking differences between the wages of those receiving a straight money wage and of those receiving a money wage supplemented by other forms of compensation. Considering the 2,209 women as a whole, we find that those who received only a money wage were the poorest paid, 85.3 per cent of them receiving less than $16 per week. On the other hand, the best paid women were those in the three-meal group, only 48 per cent of them receiving less than the $10 which, when board is provided, we have considered as equivalent to $16 per week. The women receiving both room and board were about halfway between these two groups, 62.3 per cent being paid less than $7 per week, the figure estimated as the equivalent of a $16 money wage. This difference between the real wages of the group receiving only a money wage and of the group receiving additional compensation in the form of meals cannot be accounted for on an occupational basis, for it applies within each occupation as well as to the whole industry. The explanation seems to be that allowances made for additional compensation in this study were greater than those made by employers in their own calculations. (Pages 9-10.)

Using as a base the assumption that a wage of less than $7 a week in addition to room and board, of less than $10 a week in addition to three meals a day, and of less than $16 a week with no other compensation is insufficient to secure the necessities of life to a self-supporting woman in the District of Columbia, an analysis by occupation shows that approximately 5 per cent of the housekeepers, 40 per cent of the linen room girls, 90 per cent of the maids, 91 per cent of the cleaners, 96 per cent of the dishwashers and general pantry girls, 94 per cent of the kitchen girls, 31 per cent of the pantry servers, 72 per cent of the waitresses, 3 per cent of the

office employees, 35 per cent of the telephone operators, 96 per cent of the elevator operators, and 59 per cent of the miscellaneous employees were receiving less than a living wage. (Pages 16-17.)

An analysis by occupation shows that in the restaurant business approximately 21 per cent of the waitresses, 46 per cent of the counter girls, 78 per cent of the bus girls, 14 per cent of the cashiers and checkers, 56 per cent of the pantry girls, 75 per cent of the dishwashers, 11 per cent of the cooks, 76 per cent of the kitchen girls, and 46 per cent of the miscellaneous employees were receiving less than a living wage.

As was stated at the beginning of this report, hospitals have been classed with hotels and restaurants, because the women employed in hospitals, exclusive of the nurses, perform work very similar to that performed by women employed in hotels. This may readily be seen from the following occupational grouping of the 130 women employed in three hospitals. (Page 21.)

The wage situation in these hospitals, as shown in Table XII, is even worse than that found in hotels. Over half, 54.1 per cent, of the women receiving room and board were paid less than $7 a week, and of those receiving board alone 96.7 per cent were paid less than $10 a week. (Page 21-22.)

Table XII. Number and Per Cent of Women Employees in Hospitals Receiving Each Classified Weekly Rate, by Compensation Received Per Working Day in Addition to Wages.

Number.

Compensation in Addition to Wages	Women with Rates of—												Official Minimum Wage Based on the Cost of Living*
	Under $7	$7 and under $8	$8 and under $9	$9 and under $10	$10 and under $11	$11 and under $12	$12 and under $13	$13 and under $14	$14 and under $15	$15 and under $16	$16 and Over	Total	
Room and three meals	30	.....	2	5	3	2	.....	1	.....	.....	4	37	
Three meals	68	11	7	1	2	.....	.....	1	.....	.....	.....	90	
One meal	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	3	
Total	88	11	9	6	5	2	.....	2	.....	.....	7	130	
	Percent. (Cumulative)												$16.50 May 26, 1920
Room and three meals	54.1	54.1	59.5	73.0	81.1	86.5	86.5	89.2	89.2	89.2	10.8	100	
Three meals	75.6	87.8	95.6	98.7	93.9	98.9	98.9	100	100	100	100	100	
One meal	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	100	100	
Total	67.7	76.2	83.1	87.7	91.6	93.1	93.1	94.6	94.6	94.6	5.4	100	

(Computed.) (Page 22.)

District of Columbia. Minimum Wage Board. Wages of Women in Laundries and Dyeing and Cleaning Establishments in the District of Columbia. April 19, 1920.

Per cent of women with rate of (Cumulative)—

Type of Establishment	No. Investigated	Under $9	Under $10	Under $11	Under $12	Under $13	Under $14	Under $15	Under $16	$16 and Over	Official Minimum Wages Based on the Cost of Living**
Steam Laundries	1116	28.8	53.4	71.1	75.5	81.7	83.0	85.2	89.1	10.9	$15
Hand Laundries	15	33.4	53.4	53.4	66.7	80.0	80.0	80.0	93.3	6.7	March 19, 1921
Dyeing and Cleaning Establishments	59	1.7	5.1	8.5	8.5	22.1	22.1	32.3	40.7	59.3	

(Computed.) (Pages 1, 2.)

*See Order No. 4. March 26, 1920, for value of other compensation than wages.

**See Order No. 5. March 19, 1921, for value of other compensation than wages.

Of the 1190 women 328 or 27.6 per cent were rated at less than $9 a week, 608 or 51.2 per cent at less than $10 a week, 808 or 68 per cent at less than $11 a week, and 1032 or 86.7 per cent at less than $16 a week. Since 94 per cent of the women in these industries were employed in steam laundries special emphasis will be placed upon this branch of the industry. (Page 2.)

(3) Reinvestigations for Compliance with Minimum Ordered.

District of Columbia. Minimum Wage Board. Second Annual Report. December 31, 1919.

The two wage orders promulgated by the Board have been in effect such a short time that it is not possible to give a comprehensive statement as to the results of minimum wage legislation in the District. Some immediate effects are of course apparent and even at this early date it may be permissible to draw certain tentative conclusions as to results. (Page 25.)

In the first place pay roll data prove conclusively that there has been a marked increase in the wages paid women and minors in the industries in which wage orders have been established. In the printing, publishing, and allied industries in January, 1919, 62.3 per cent of the women employed received less than $15.50 a week. Figures for these same establishments for the first week in which the order was effective showed that 11.2 per cent were rated at less than $15.50. Similar data for the mercantile industry show that at the time of the original wage investigation, February to March, 1919, 74.3 per cent of the women and minors employed were rated at less than $16 a week. For the first week in November, 1919, the percentage receiving less than $16.50 a week was 24.4 per cent.

A comparison of the rates prevailing in particular groups of establishments under the old and new conditions shows in more detail the actual effects of the wage order. In 36 commercial printing and publishing estab-

lishments in January, 1919, 83.3 per cent of the women employed were receiving less than $15.50 as compared with 23.5 per cent after the minimum rate was set for these industries.

Out of a total of 3,190 women and minors employed in 7 leading department stores in February and March, 1919, 2,538, or 79.6 per cent, were rated at less than $16 a week, and 652, or 20.4 per cent, at $16 and over. In these stores on October 28, 1919, the date when the order became effective, 3,260 women and minors were employed, 1,021, or 31.3 per cent, at rates above $16.50, 1,397, or 42.9 per cent, at the rate of $16.50, and 842, or 25.8 per cent, at rates less than $16.50. The effect of the order was thus to reverse completely the percentage above and below $16.

In the 5 and 10 cent stores the percentage of women and minors employed at less than $16 a week decreased as a result of the order from 93.8 per cent to 45 per cent. Although these figures show a substantial increase in wages, nevertheless the proportion of workers receiving less than the minimum rate is abnormally high. The Board is giving this matter consideration at the present time, and it may be found necessary to limit the proportion of learners allowed in any one establishment, as was done in the printing, publishing, and allied industries. In these industries a large number of the women employed do unskilled work, requiring not more than a week or two to learn. Fearing that these jobs would all be filled by inexperienced workers who would be discharged after the year's learning period, thus in effect nullifying the minimum wage order, the Board limited the proportion of learners to be allowed in any one establishment to one-fifth of the total number of women employed. This has prevented any widespread abuse of the privilege of employing learners at a lower rate. Events have proved that the Board was justified in its action in these industries.

In the mercantile industry the Board considered placing a similar limitation on the employment of learners. It feared that the 5 and 10 cent and other cheap stores

would tend to utilize a very large proportion of these workers who could be obtained at less than the minimum wage.

The merchants objected strenuously to any such limitation. They declared that in a store experienced workers were always preferred to inexperienced and were always employed when obtainable. They affirmed that any limitation would work a great hardship and would necessitate an added expense in bookkeeping. The pressure of public opinion would be sufficient they stated to keep recalcitrant employers in line. After considerable discussion the Board agreed that no limitation would be set at that time but that if future events justified such action it would not hesitate to amend the mercantile order so as to limit the proportion of learners allowed in a given establishment. (Pages 25-26.)

An indirect effect of the minimum rates so far established has been to raise the wages of women in other industries. It is particularly interesting to note that new firms just beginning in other lines of business have recognized the minimum wage set for the mercantile industry. They have found that if they are to attract competent workers they can not pay less than $16.50, the rate established as the minimum for approximately half of the women in private employ in the district. (Page 27.)

District of Columbia. Minimum Wage Board. Third Annual Report. December 31, 1920.

Increase in Wages.

The primary purpose of a minimum wage law is to lift up the low end of the wage scale to the minimum cost of living, i. e., to increase wages. Pay-roll data prove conclusively that the orders enacted in the District have served this purpose. To make the low end of the wage scale conform with the cost of living the establishment of a minimum wage has necessitated in each industry an immediate increase in the wages of the women employed. This immediate increase has been followed by a more gradual increase as the industry adjusts itself to new

conditions.[2] In our annual report for 1919 we pointed out the increase in wages which took place as a result of our orders in the printing and publishing industries and in the mercantile industry. Roughly speaking, the immediate average increase in wages was $3.50 per week for women employed in the printing trades and $4.50 per week for women employed in stores. A comparison of the pay-roll data for a representative group of establishments employing a majority of the women in each of these industries immediately after the order went into effect and at certain specified periods thereafter show that since the initial increase in wages took place there has been a gradual upward trend in wage rates. The figures are given in the following tables:

Table IV. Number and Per Cent of Women Employed in 14 Printing Plants Above, At and Below the Minimum Weekly Wage Rate at Certain Specified Dates.

Number.

Date.	Woman employees whose weekly rates of wages were—			Total.
	Above the minimum.	The minimum ($15.50).	Below the minimum.	
August, 1919	71	123	79	273
March, 1920	96	118	31	245
November, 1920	139	30	13	182

Per Cent.

August, 1919	25.9	45.0	29.1	100
March, 1920	39.2	48.2	12.6	100
November, 1920	76.4	16.5	7.1	100

[2] In the section on effects the word "women" is used to cover all persons coming under the provisions of the orders.

Table V. Number and Per Cent of Women Employed in Seven Department Stores Above, At, and Below the Minimum Weekly Wage Rate at Certain Specified Dates.

Number.

Date.	Woman employees whose weekly rates of wages were—			Total.
	Above the minimum.	The minimum ($16.50).	Below the minimum.	
November, 1919	1,021	1,397	842	3,260
March, 1920	1,100	1,326	550	2,976
November, 1920	1,267	1,249	498	3,014

Per Cent.

November, 1919	31.3	42.9	25.8	100
March, 1920	37.0	44.5	18.5	100
November, 1920	42.0	41.5	16.5	100

Figures in both these tables show an increase in the percentage of women rated above the minimum and a decrease in the percentage rated below the minimum; i. e., as learners. From August, 1919, to November, 1920, the percentage of women in the printing trades receiving more than the minimum wage increased from 26 to 76 per cent, while during this same period the percentage of learners decreased from 29 to 7 per cent. To the woman workers themselves is due most of the credit for the increase in wages shown since March, 1920. Through their union they obtained by agreement with the employers a minimum wage of $20 per week for bindery workers with two years' experience. Of the women employed in department stores the percentage rated above the minimum wage of $16.50 increased during the year from 31 to 42 per cent, while the percentage of learners dropped from 26 to 17 per cent. Since in the mercantile industry the proportion of learners allowed in any one establishment is not limited by the order but merely by an informal agreement, the latter figures are particularly gratifying. They indicate clearly that the merchants do

appreciate the value of trained workers and have no desire to fill up their stores with learners.

Not only the department stores recognize this principle; the corresponding figures for the seven largest 5 and 10 cent stores show equally encouraging results. Where a year ago 45 per cent of the woman workers were rated as learners and paid less than the minimum, now we find 27 per cent. At the same time the percentage receiving more than the minimum increased from 13 to 23 per cent. To realize fully what the present wage situation in 5 and 10 cent stores means it should be pointed out that in these same stores before the establishment of a minimum wage one-half of the women employed were getting $10 or less per week, and the average weekly wage was $11.40 per week. In November, 1920, the average wage was $16.25 per week, an increase of 43 per cent.

The wage order covering the hotel, restaurant, and allied industries became effective May 26, 1920. An immediate increase in wages took place, but because of a difference between the allowance made for room and board in the original wage study and in the wage order and because of the development of part-time work it is difficult to determine or even estimate its amount. However, figures available do indicate clearly a marked improvement in the wage situation as a result of our order.

In the summer of 1919, 72 per cent of the women employed in a large group of representative hotels were receiving less than $16 per week. This was on the basis of an allowance of $6 for food and $3 for room where such accommodations were furnished by the employer in lieu of wages.

Table VI shows the rates of wages and actual wages of women employed in two representative groups of hotels in June and December, 1920. The establishments included are not identical for the two periods, hence no comparison of the absolute figures is valid. The distinction made between rates of wages and actual wages is rendered necessary by the prevalence of part-time employment in hotels. Large numbers of women were rated at $16.50, but actually received less because their work-

ing week was less than 48 hours. The figures in this table include an allowance of $6.30 for meals and $2 for room where such were provided.

Table VI. Number and Per Cent of Women Employed in Hotels at Certain Periods Whose Rates of Wages and Actual Wages Were Less Than, At, or Above the Minimum.

Number.

	June, 1920.				December, 1920.			
	Less than $16.50.	$16.50.	Above $16.50.	Total.	Less than $16.50.	$16.50.	Above $16 .50.	Total.
Number of woman employees whose rates of wages were	.....	543	288	831	.. ..	685	399	1,084
Number of woman employees whose actual wages were	457	134	240	831	224	502	358	1,084

Per Cent.

Per cent of woman employees whose rates of wages were	.....	65.3	34.7	100	.....	63.2	36.8	100
Per cent of woman employees whose actual wages were	55.0	16.1	28.9	100	48.3	20.7	33.0	100

As compared with 72 per cent in the summer of 1919 receiving less than $16 per week, we find that immediately after the passage of our order 55 per cent of the women employed in hotels received less than $16.50. By December, 1920, this percentage had dropped to 46 per cent. Strictly speaking, the percentages receiving less than the minimum wage in June and December, 1920, are not comparable with the percentages receiving less than $16 in the summer of 1919. Not only was there a difference in the index figure used—i. e., $16.50 instead of $16 and in the allowance made for room and board in the two instances, but in addition the figures for the later dates represent payment for part-time work whereas the figures for the previous year were for full-time work. If a direct comparison were possible a still greater increase in wages would be shown as the result of the minimum wage.

In compliance with our order, all women employed in hotels after May 26 were rated at $16.50 or more per week. Therefore every person whose actual wage was less than $16.50 per week or its equivalent was employed for less than 48 hours. In other words, using the figures given in Table VI, 55 per cent of the women employed in hotels in June, 1920, and 46 per cent of those employed in December, 1920, were working on a part-time basis. An analysis of the number of working hours of these women indicates the nature of this part-time employment. Of the 1,084 women employed in hotels in December, 1920, 20, or 2 per cent, worked less than 30 hours per week; 195, or 18 per cent, from 30 to 36 hours per week; 35, or 3 per cent, from 36 to 42 hours per week; 252, or 23 per cent, from 42 to 48 hours per week; and 582, or 54 per cent, 48 hours per week. The great proportion of the part-time workers fall into the two-hour groups containing 35 and 42. This may be accounted for by the fact that most of the women working on a part-time basis were maids and cleaners, who were found to be regularly employed for 7 days per week, 5 or 6 hours per day, thus 35 or 42 hours per week.

When we made our initial wage investigation in the summer of 1919 we found practically no women in the hotel industry working less than 48 hours per week. The usual schedule for maids and cleaners was seven hours six days a week and six hours on Sunday. The existence of part-time work is therefore directly attributable to the minimum wage. It represents a desire on the part of the employer to cut his wage bill by employing workers wherever possible for less than 48 hours per week and paying them at the minimum hourly rate for the actual number of hours worked. Because they are employed on a part-time basis, many of the women in the hotels, especially in the housekeeping department, do not receive the full $16.50 per week or $71.50 per month. But even when paid at the minimum hourly rate for the number of hours worked their total earnings are now appreciably more for the shorter workday than they were for a full workday before the establishment of a minimum wage.

Previous to the enactment of our order the most common monthly ratings for maids and cleaners were $35 and $40 without meals for 48 hours' work per week. The maids and cleaners who were put on a part-time basis are now being paid $52.35 per month for 35 hours of work per week, or $62.79 per month for 42 hours work per week. They not only have more leisure in which to make their clothes and supplement their earnings but in addition they have received an actual wage increase varying from 31 to 79 per cent. Not all maids and cleaners were put on a part-time basis. In a number of the larger hotels and in some of the smaller ones they are receiving the full $71.50 per month or its equivalent.

It may be interesting to note the effect of the establishment of a minimum wage in hotels on the "living-in" system. This custom of providing room and meals to employees in lieu of wages has gradually been dying out as the result of constant attacks by labor organizations and social workers. The hotel and restaurant conference recognized that if the allowance fixed for room and board were high enough to make it profitable for the employer to board and room his employees, new life and impetus might be given to this system. It was the aim of the conference to avert such a possibility. From payroll figures recently procured we may conclude that it was successful. The maximum charge of $6.30 for board and $2 for room per week recommended by the conference and adopted by the board has not tended to increase the amount of "living-in." Ten per cent of the women employed in hotels in the summer of 1919 were getting their rooms in lieu of wages and exactly the same percentage were receiving such accommodations in December, 1920. In other words, our order did not affect the situation one way or the other. However, in the same period there was a falling off in the percentage receiving one or more meals from 63 to 51 per cent. This is in accordance with the wishes of the woman workers who prefer to get their meals outside of the establishment where they are employed.

In the restaurants as in the hotels any attempt to

estimate the immediate wage increase due to the establishment of the minimum wage is complicated by the prevalence of part-time employment and by the difference in the allowance made for room and board in the original wage study and in the wage order. When, in the summer of 1919, we made our initial investigation of the wages paid woman restaurant workers, pay-roll records showed that 43 per cent of the 1,055 women employed in 135 restaurants were receiving less than $16 per week or its equivalent. The wage rates and actual wages of women employed in representative groups of restaurants in June and December, 1920, are shown in Table VII. Since the establishments included in the two groups are not identical no comparison of the absolute figures is valid. As in the table for hotels, the distinction between rates of wages and actual wages is necessitated by the prevalence of part-time employment.

Table VII. Number and Per Cent of Women Employed in Restaurants at Certain Periods Whose Rates of Wages and Actual Wages Were Below, At, and Above the Minimum.

Number.

	June, 1920.				December, 1920.			
	Below the minimum.	The minimum ($16.50).	Above the minimum.	Total.	Below the minimum.	The minimum ($16.50).	Above the minimum.	Total.
Number of woman employees whose rates of wages were	.....	780	686	1,466	.....	486	698	1,184
Number of woman employees whose actual wages were	505	449	512	1,466	393	267	524	1,184

Per Cent.

Number of woman employees whose rates of wages were	.....	53.2	46.8	100	.....	41.0	59.0	100
Number of woman employees whose actual wages were	34.5	30.6	34.9	100	33.2	22.5	44.3	100

For the same reasons as were given for hotels, the wage figures presented above are not strictly comparable

with the figures of the preliminary wage investigation. Roughly speaking, they show that the percentage of women receiving less than $16 or $16.50 decreased from 43 per cent to 33 per cent. Here again we must explain that all the women employed in restaurants were rated at $16.50 or more per week and that the one-third receiving less than that figure were working less than the full 48 hours. The existence of this part-time work in the restaurants unlike that in the hotels can not be attributed wholly to the establishment of a minimum wage. Part-time work was common in restaurants before our order took effect. A number of lunch rooms catering to Government employees served only the noon meal and therefore did not require the services of their employees for the full eight hours per day. In addition other restaurants employed cashiers and dishwashers through the rush periods only. It is important to note that in spite of this substantial proportion of women employed less than full time these figures show 44 per cent of the women employed in restaurants to be actually receiving more than the minimum wage. This indicates a level of wages for the restaurant industry which compares favorably with that in other industries covered by minimum wage orders.

In summary, it may be said that pay-roll data for the three groups of industries operating under minimum wage orders show an immediate increase in wages due to the application of the orders and a further gradual increase in the proportion receiving more than the minimum, with a corresponding decrease in the proportion receiving less than the minimum. (Pages 25-30.)

District of Columbia. Minimum Wage Board. Fourth Annual Report. December 31, 1921.

Increase in Wages.

The primary result of a minimum-wage order is presumably an increase in the wages paid. The extent of increase following our orders is shown in the following pages.

(*a*) *In the printing and publishing industry.*—Tables V, VI, and VII show the wage increases which have taken place in the printing and publishing industry, since the application of the wage order. In this industry the wage set was $15.50 after a learning period of a year; the order covers women and minor girls. Table V shows the wage situation in 36 identical printing and publishing plants before the wage rate was set, immediately thereafter and approximately two years thereafter. These 36 establishments include practically all the commercial printing and publishing plants which employ women in any numbers and are therefore thoroughly representative of the industry.

[See page 32 for table which also includes the 1922 figures.]

This table shows how great a wage increase followed the minimum-wage order. Prior to its introduction 67 per cent of the women and minor girls in these plants were receiving less than $15 per week. Immediately after it took effect this proportion had dropped to 23 per cent; two years later to 5 per cent. Meanwhile the proportion receiving $16 and over—i. e., more than the $15.50 minimum wage—rose from 17 per cent before the order was issued, to 30 per cent immediately thereafter, and to 72 per cent two years later.

Table VI shows the same tendency in more detail as exemplified in the 14 out of these 36 plants which employ the large proportion of the women. Here we see clearly a steady increase in the percentage getting above the minimum and a steady drop in the percentage employed as learners.

Table VI. Number and Per Cent of Female Employees in 14 Identical Printing Establishments Below, At, and Above the Minimum Weekly Wage Rate at Certain Specified Periods.

Number.

Date	Female employees whose weekly rate of wages were— Below the minimum.	The minimum ($15.50)	Above the minimum.	Total.
August, 1919	79	123	71	273
March, 1920	31	118	96	245
December, 1920	13	30	139	182
October, 1921	10	39	159	208
Per Cent.				
August, 1919	29.1	45.0	25.9	100
March, 1920	12.6	48.2	39.2	100
December, 1920	7.1	16.5	76.4	100
October, 1921	4.8	18.8	76.4	100

Table VII gives a similar comparison of wage rates in 5 noncommercial publishing houses. Since the original wage conditions were better than in the commercial plants the increase is less marked. However, the percentage receiving $16 and over increased from 54 to 90 per cent in the two and one-half years.

(*b*) *In the mercantile industry.*—Tables VIII to XV show similar wage increases in the mercantile industry. The minimum wage in this industry is $16.50 after a learning period of seven months for adults and a longer period for minors (both boys and girls), varying with their age at starting work. Tables VIII to XII show a comparison of wage conditions in the 102 identical mercantile establishments prior to the establishment of a minimum wage and from one and a half to two years after. In Table VIII this comparison is made for the whole 102 establishments; in Tables IX to XII they are divided into various classes, department stores, 5 and 10 cent stores, ladies' specialty stores, and other miscellaneous stores.

Table X. Number and Per Cent of Women and Minors Employed in 11 Identical 5 and 10 Cent Stores Receiving Each Weekly Rate at Two Specified Periods.

Number.

Date.	Woman and minor employees whose weekly rates of wages were—										Total.
	Under $9	$9 and under $10	$10 and under $11	$11 and under $12	$12 and under $13	$13 and under $14	$14 and under $15	$15 and under $16	$16 and under $17	$17 and over.	
February and March, 1919	20	35	73	20	58	4	8	21	2	13	254
March to August, 1921	.....	.....	19	2	17	5	19	1	129	55	247

Per Cent.

February and March, 1919	7.9	13.8	28.7	7.9	22.8	1.6	3.1	8.3	0.8	5.1	100
March to August, 1921	.....	.....	7.7	.8	6.9	2.0	7.7	.4	52.2	22.3	100

Table XI.—Number and Per Cent of Women and Minors Employed in 23 Identical Ladies' Specialty Stores Receiving Each Classified Weekly Rate at Two Specified Periods.

Number.

Date.	Woman and minor employees whose weekly rates of wages were—										Total.
	Under $9	$9 and under $10	$10 and under $11	$11 and under $12	$12 and under $13	$13 and under $14	$14 and under $15	$15 and under $16	$16 and under $17	$17 and over.	
February and March, 1919	21	29	34	11	81	20	30	137	22	222	607
March to August, 1921	.....	.....	3	.....	6	.....	9	1	151	435	605

Per Cent.

February and March, 1919	3.5	4.8	5.6	1.8	13.3	3.3	4.9	22.6	3.6	36.6	100
March to August, 1921	.....	.....	.5	.....	1.0	.....	1.5	.1	25.0	71.9	100

Table XII.—Number and Per Cent of Women and Minors Employed in 61 Identical Miscellaneous Mercantile Establishments Receiving Each Classified Weekly Rate at Two Specified Periods.

Number.

Date.	Woman and minor employees whose weekly rates of wages were—										Total.
	Under $9	$9 and under $10	$10 and under $11	$11 and under $12	$12 and under $13	$13 and under $14	$14 and under $15	$15 and under $16	$16 and under $17	$17 and over.	
February and March, 1919	20	11	40	9	48	5	24	97	29	223	508
March to August, 1921	.....	.....	3	.....	4	2	5	2	89	304	409

Per Cent.

Date.	Woman and minor employees whose weekly rates of wages were—										Total.
	Under $9	$9 and under $10	$10 and under $11	$11 and under $12	$12 and under $13	$13 and under $14	$14 and under $15	$15 and under $16	$16 and under $17	$17 and over.	
February and March, 1919	3.9	2.2	7.9	1.8	9.5	1.0	4.7	19.2	5.7	44.1	100
March to August, 1921	.....	.....	.7	.....	1.0	.5	1.2	.5	21.8	74.3	100

(Page 17.)

These tables show how substantial was the increase in wages effected. Where, in 1919, 52 per cent of these women and minors were receiving less than $13 per week, in 1921 only 5 per cent belonged in that class. In the same period the proportion rated at $17 and over increased from 22 to 49 per cent. The increase is naturally most striking in those classes of establishments where the worst conditions had prevailed. In the 5 and 10 cent stores under unregulated wage conditions 81 per cent of the women and minors employed received under $13 per week. In 1921 under the minimum-wage order this percentage had dropped to 15 per cent. In the same period the proportion receiving more than $17 increased from 5 to 22 per cent. In the ladies' specialty stores wages were originally higher than in the 5 and 10 cent stores, 37 per cent of the women and minors being rated at $17 and over instead of 5 per cent. Nevertheless the introduction of the minimum wage practically doubled the proportion above $17.

The mercantile minimum-wage order did not effect this increase in wages all in one moment. The increase which came at the time the order went into operation has been followed by a gradual upward tendency of almost equal importance. This is well shown in the following comparison of an even larger number of establishments than those given in the preceding tables. The 197 mercantile establishments which are compared in Table XIII include the seven principal department stores, the seven principal 5 and 10 cent stores, practically all the ladies' specialty stores and a large number of representative stores of other types, confectionery stores, groceries, men's furnishing stores, drug stores, etc.

[See page 35 for table which also includes the 1922 figures.]

This table shows wage conditions in the identical stores one week after the order took effect and one and one-half to two years later. In that period the percentage rated as learners dropped from 24 to 11 per cent and the percentage rated above the minimum rose from 39 to 51 per cent.

The same thing is shown in more detail for the department stores in Table XIV, where there is evident a steady decrease in the proportion of learners and a somewhat less marked but still evident increase in the proportion paid more than the minimum wage.

Table XIV. Number and Per Cent of Women and Minors, Employed in 7 Identical Department Stores Below, At, and Above the Weekly Minimum Wage Rate at Certain Specified Dates.

Number.

Date	Woman and minor employees whose weekly wage rates were—			Total.
	Below the minimum wage.	The minimum ($16.50)	Above the minimum.	
November, 1919	842	1,397	1,021	3,260
March, 1920	550	1,326	1,100	2,976
November, 1920	498	1,249	1,267	3,014
October, 1921	384	1,382	1,320	3,086

Per Cent.

November, 1919	25.8	42.9	31.3	100
March, 1920	18.5	44.5	37.0	100
November, 1920	16.5	41.5	42.0	100
October, 1921	12.4	44.8	42.8	100

In the 5 and 10 cent stores as shown in Table XV the point of equilibrium seems to have been reached in 1920. The proportion above and below the minimum was practically the same in October, 1921, as the year before. It should be noted that these stores are members of chains which are operated on a national basis. In the main it appears to be the policy of most of these chains to pay the lowest possible wages. Therefore, although the local managers here have been very ready to live up to the informal agreement which limits the proportion of learners employed at less than the minimum wage, they have been unable to go far beyond that point, due to the direction of the central offices which control them.

Table XV. Number and Per Cent of Women and Minors Employed in 7 Identical 5 and 10 Cent Stores Receiving Below, At, and Above the Weekly Minimum Wage Rate at Certain Specified Periods.

Number.

Date.	Woman and minor employees whose weekly wage rates were— Below the minimum wage.	The minimum ($16.50)	Above the minimum.	Total.
November, 1919	115	109	34	258
November, 1920	66	124	55	245
October, 1921	65	118	52	235

Per Cent.

November, 1919	44.6	42.2	13.2	100
November, 1920	26.9	50.6	22.5	100
October, 1921	27.7	50.2	22.1	100

(*c*) *In the hotel and restaurant industry.*—The increase in wages in the hotel and restaurant industry is not so easy to demonstrate as that in the other industries. To begin with, part-time employment in these industries is so prevalent that the figures showing rates of pay do not give a fair picture of the situation. Although no female employee, adult or minor, can be rated at less than $16.50 per week (i. e., there is no learning period), actually a large proportion of these employees receive less than that sum because they do not work the full 48 hours. Hence, figures of actual wages received are more indicative of real conditions than figures of rates. The actual wage means the amount received for the regular assigned hours for the particular job, not the actual earnings of an individual for any special pay period, which are frequently less, due to time lost.

Table XVI is a comparison of actual wages in the 14 identical hotels at three different dates, before the minimum wage was established, six months thereafter, and one and one-half years thereafter. The 14 hotels include all the principal ones and employ a large proportion of

the women who work in hotels.[1] The wages shown in this table include allowances for meals and room, where such were provided, of 30 cents per meal and $2 per week for room—the amounts permitted under the minimum-wage order.

This table shows the extent of part-time employment, since all those given in 1920 and 1921 as receiving less than $16 per week were necessarily working less than full time. Part-time employment was undoubtedly increased by the introduction of the order; hotel employers avowedly shortened working schedules wherever possible to avoid payment of the full minimum wage. However, despite this increase in part-time work the wage order has brought about a very substantial improvement in wage conditions, as is clearly seen in Table XVI. Moreover, like the tables for the printing and publishing and the mercantile industries, this table shows a decided upward trend in wages in the one and one-half years since the order took effect. Where prior to a minimum wage order 75 per cent of the women and minor girls received less than $16 or its equivalent per week, six months after the order took effect only 55 per cent were so paid, and a year later only 48 per cent. In the same period the proportion receiving less than $13 per week dropped from 39 to 22 per cent, and then to 17 per cent.

Tables XVII and XVIII show the same upward tendency in a larger group of hotels (including the 14 used in Table XVI) and in a large group of restaurants. These tables do not show conditions prior to the establishment of the order but merely the situation immediately after it took effect and at two different dates thereafter. They give both rates of wages and actual wages paid. The 0.2 per cent rated below the minimum in the hotel industry are holders of special licenses. Percentages only are given in these tables because the establishments included are not identical, hence no comparison of absolute figures would

[1] Women employed in steam laundries operated in connection with three of these hotels are omitted since they do not come under the hotel and restaurant order.

be valid. The percentages in each case are based on thoroughly representative groups including all the principal establishments in the industry. The corresponding tables of absolute figures are given in the appendix.

Table XVII. Per Cent of Female Employees in Hotels at Certain Specified Periods Whose Rates of Wages and Actual Wages Were Below, At, or Above the Minimum.

Date.	Female employees whose weekly rates of wages were—			Total.	Female employees whose actual weekly wages were—			Total.
	Below the minimum.	The minimum ($16.50).	Above the minimum.		Below the minimum.	The minimum ($16.50).	Above the minimum.	
June, 1920	.....	65.3	34.7	100	55.0	16.1	28.9	100
December, 1920	.....	63.2	36.8	100	46.3	20.7	33.0	100
October, 1921	0.2	52.9	46.9	100	43.1	23.6	33.3	100

Table XVIII. Per Cent of Women Employed in Restaurants at Certain Periods Whose Rates of Wages and Actual Wages Were Below, At, or Above the Minimum.

Date.	Female employees whose weekly rates of wages were—			Total.	Female employees whose actual weekly wages were—			Total.
	Below the minimum.	The minimum ($16.50).	Above the minimum.		Below the minimum.	The minimum ($16.50).	Above the minimum.	
June, 1920	.....	53.2	46.8	100	34.5	30.6	34.9	100
December, 1920	.....	41.0	59.0	100	33.2	22.5	44.3	100
October, 1921	.....	34.2	65.8	100	32.8	29.5	43.7	100

The prevalence of part-time work among women employees in hotels and restaurants is apparent from these tables. It should be stated that in the restaurants this

practice is not due to the minimum-wage order. Many restaurants serve only one or two meals a day, hence do not employ their workers the full 48 hours a week; others take on extra help for the rush hours. It is probable that the introduction of the minimum wage has caused little change in the working hours in restaurants.

Similar tables for the laundry industry can not be constructed for the reasons given in the section on administration.

(*d*) *Summary.*—In general it may be said that the tables in the preceding paragraphs show two things—(1) an immediate increase in wages following the establishment of a minimum-wage rate, due to the adjustment necessary to bring about compliance with the order, and (2) a steady tendency to increase wages above the minimum level and to decrease the number of persons employed as learners below the minimum-wage rate. (Pages 13-22.)

District of Columbia. Minimum Wage Board. Fifth Annual Report. December 31, 1922.

Increase in Wages.

In the first place the payroll figures show a very substantial increase in wages in every industry where a wage rate has been established. The following tables are comparisons of wage conditions in 1919 prior to the establishment of minimum rates and in 1920, 1921 and 1922. They include practically all the establishments for which we have records for the different periods. These comparisons are absolutely valid since they are made up of figures for identical establishments. Tables are given for each industry separately.

(*a*) *In the Printing and Publishing Industry.*

In the printing trades the minimum wage rate is $15.50 with a learning period of a year at lower rates. This order took effect in August, 1919. Figures are given

for January, 1919, before the minimum wage was established, for August, 1919 immediately thereafter, and for 1921 and 1922 approximately two and three years thereafter. The establishments have been divided into commercial and non-commercial because of the different conditions in the two groups.

Table VIII. Number and Per Cent of Female Employees in 29 Identical Commercial Printing Establishments Receiving Each Classified Weekly Wage at Four Specified Periods.

Number.

Date	Female employees whose weekly rates of wages were—											Total
	Under $10	$10 and under $11	$11 and under $12	$12 and under $13	$13 and under $14	$14 and under $15	$15 and under $16	$16 and under $17	$17 and under $18	$18 and under $19	$19 and over	
January, 1919	28	55	17	70	9	10	48	5	4	10	33	289
August, 1919	11	30	4	14	4	2	119	21	11	19	33	268
March to August, 1921	.....	7	.....	5	.....	1	63	9	16	72	94	267
April to September, 1922	2	8	2	4	.....	3	34	7	16	96	91	263

Per Cent.

January, 1919	9.7	19.0	5.9	24.2	3.1	3.5	16.6	1.7	1.4	3.5	11.4	100
August, 1919	4.1	11.2	1.5	5.2	1.5	.8	44.4	7.8	4.1	7.1	12.3	100
March to August, 1921	.....	2.6	.....	1.9	.....	.4	23.6	3.4	6.0	26.9	35.2	100
April to September, 1922	.8	3.0	.8	1.5	.....	1.1	12.9	2.7	6.1	36.5	34.6	100

Table IX. Number and Per Cent of Female Employees in 5 Identical Non-Commercial Publishing Plants Receiving Each Classified Weekly Rate at Four Specified Periods.

Number.

Date	Female employees whose weekly rates of wages were—											Total
	Under $12	$12 and under $13	$13 and under $14	$14 and unde $15	$15 and under $16	$16 and under $17	$17 and under $18	$18 and under $19	$19 and under $20	$20 and under $21	$21 and over	
January, 1919	50	30	56	18	40	47	36	22	17	28	78	422
August, 1919	3	11	3	1	101	110	60	35	34	30	91	479
August to December, 1921	1	1	.....	4	48	53	52	75	38	56	237	564
July to October, 1922	5	2	.....	2	62	53	42	76	45	51	266	603

Per Cent.

January, 1919	11.9	7.1	13.3	4.3	9.5	11.1	8.5	5.2	4.0	6.6	18.5	100
August, 1919	.6	2.3	.6	.2	21.1	23.0	12.5	7.3	7.1	6.3	19.0	100
August to December, 1921	.2	.2	.....	.7	8.5	9.2	9.2	13.3	6.8	9.9	42.0	100
July to October, 1922	.8	.3	.....	.3	10.3	8.6	7.0	12.6	7.5	8.5	44.1	100

Both tables show a very considerable increase in wages immediately following the wage order and thereafter a further more gradual increase. In the commercial plants before the wage order 65 per cent of the female employees were rated at less than $15. Immediately following the order this group was reduced to 24 per cent. By 1922 it constituted only 7 per cent of the total. In the same way the proportion receiving $16 and over (i.e., more than the minimum wage) increased from 18 per cent prior to the minimum wage order to 31 per cent immediately thereafter, to 72 per cent in 1921 and 80 per cent in 1922.

In the non-commercial plants original wage conditions were better; hence the increase is less striking though none the less apparent. Here the proportion receiving less than $15 decreased from 37 per cent prior to the wage order to 4 per cent immediately thereafter, to 1 per cent in 1922, while the proportion receiving $16 and over increased from 54 per cent to 75 per cent to 88 per cent in the same period.

The increase in wages may be summarized by comparing the median wages at the different dates given. In the commercial plants in 1919 under unregulated wage conditions the median wage was $12.64. That means that half the women employed in these plants were receiving less than $12.64 per week. With the establishment of a minimum wage of $15.50 with lower rates for learners the median rose at once to $15.58, by 1921 it had reached $18.45, by 1922, $18.58. In the non-commercial publishing houses the median increased from $16.36 before the minimum wage was established to $17.18 immediately thereafter, to $20.20 in 1921 and $20.30 in 1922.

Credit for increased wages in the printing and publishing industry is not due wholly to the minimum wage; a new agreement negotiated by the women's bindery union in 1920 accounts in part for the wage conditions in the industry.

(*b*) *In the Mercantile Industry.*

Tables X and XI show similar wage increases in the mercantile industry. Here the minimum wage is $16.50 with a learning period of seven months for adults and a longer period for boys and girls varying with their age at starting work.

Table X is a comparison of wage conditions in identical establishments prior to the minimum wage order and at two dates thereafter. It shows clearly how substantial the wage increase has been.

Table X. Number and Per Cent of Women and Minor Employees in 96 Identical Mercantile Establishments Receiving Each Classified Weekly Rate at Three Specified Periods.

Number.

Date	Women and minor employees whose weekly rates of wages were—										Total
	Under $9	$9 and under $10	$10 and under $11	$11 and under $12	$12 and under $13	$13 and under $14	$14 and under $15	$15 and under $16	$16 and under $17	$17 and over	
February and March, 1919	450	226	618	111	956	123	277	625	142	1,015	4,543
March to August, 1921	.....	.....	97	59	67	59	140	21	1,787	2,110	4,340
March to August, 1922	.....	.....	145	51	85	52	106	27	1,958	2,087	4,511

Per Cent.

February and March, 1919	10.0	5.0	13.6	2.4	21.0	2.7	6.1	13.8	3.1	22.3	100
March to August, 1921	.....	.....	2.2	1.4	1.5	1.4	3.2	.5	41.2	48.6	100
March to August, 1922	.....	.....	3.2	1.1	1.9	1.2	2.3	.6	43.4	46.3	100

This table shows that in 1919 prior to the establishment of the $16.50 minimum wage 75 per cent of these women and minors were rated at less than $16.00; in 1922 only 10 per cent were so rated. In the same period the proportion rated at $17 and over increased from 22 per cent to 46 per cent. From 1919 to 1922 the medium wage in the mercantile industry increased from $12.91 per week to $16.91.

This improvement in wage conditions did not come about over night following the introduction of the minimum wage. This is clear from Table XI, a comparison in a slightly different form of wage rates the week after the order took effect and at two later dates. Here we can see that in the week following the wage order 24 per cent of the women and minors employed in the mercantile industry were rated as learners and paid less than the minimum wage. By 1922 this group was reduced to 11 per cent. In the same way the proportion rated above the minimum increased from 39 per cent to 49 per cent in the same period.

Table XI. Number and Per Cent of Women and Minors in 182 Mercantile Establishments Receiving Below, At, and Above the Minimum Wage Rate at Three Specified Periods.

Number.

Date	Woman and minor employees whose weekly wage rates were—			Total
	Below the minimum	The minimum	Above the minimum	
November, 1919	1,292	2,029	2,132	5,453
March to August, 1921	565	1,887	2,543	4,995
March to August, 1922	552	2,061	2,473	5,086

Per Cent.

November, 1919	23.7	37.2	39.1	100
March to August, 1921	11.3	37.8	50.9	100
March to August, 1922	10.9	40.5	48.6	100

(c). In the Hotel and Restaurant Industry.

The increase in wages in the hotel and restaurant industries is not so easy to demonstrate as that in other industries. Part time employment is so prevalent in these industries that figures showing rates of pay do not give a fair picture of the situation. Although no female employee, adult or minor, can be rated at less than $16.50 per week in that industry, actually a larger proportion of these employees receive less than that sum because they do not work the full 48 hours. Hence figures of actual wages are more indicative of real conditions than figures of rates. The actual wage means the amount received for the regular assigned hours for the specified job. It is not identical with actual earnings for a particular period which may be less because of time lost.

Tables XII and XIII are comparisons of actual wages at different periods in the principal hotels and restaurants for which we have records for a period prior to the establishment of the minimum wage and for the years thereafter. The wages shown in these tables include an allowance for meals and room where such were pro-

vided of 30 cents per meal and $2 per week for room, the amounts permitted under the minimum wage order.

Table XII. Number and Per Cent of Female Employees in 11 Identical Hotels Actually Receiving Each Classified Weekly Wage at Four Specified Periods.

Number.

Date	Female employees whose actual wages per week were—										Total
	Under $9	$9 and under $10	$10 and under $11	$11 and under $12	$12 and under $13	$13 and under $14	$14 and under $15	$15 and under $16	$16 and under $17	$17 and over	
June to August, 1919	55	166	18	7	29	60	34	125	25	144	663
December, 1920	3	17	3	26	87	29	110	60	145	156	636
October, 1921	2	.....	3	23	104	31	96	57	186	181	683
October, 1922	1	21	.....	13	111	20	100	36	190	168	660

Per Cent.

June to August, 1919	8.3	25.0	2.7	1.1	4.4	9.0	5.1	18.9	3.8	21.7	100
December, 1920	.5	2.7	.5	4.1	13.7	4.5	17.3	9.4	22.8	24.5	100
October, 1921	.3	.....	.4	3.4	15.2	4.5	14.1	8.4	27.2	26.5	100
October, 1922	.2	3.2	.....	2.0	16.8	3.0	15.2	5.4	28.8	25.4	100

Table XIII. Number and Per Cent of Female Employees in 17 Identical Restaurants Actually Receiving Each Classified Weekly Wage at Four Specified Periods.

Number.

Date	Female employees whose actual wages per week were—										Total
	Under $10	$10 and under $11	$11 and under $12	$12 and under $13	$13 and under $14	$14 and under $15	$15 and under $16	$16 and under $17	$17 and under $18	$18 and over	
June to August, 1919	43	23	27	51	38	28	77	11	64	107	469
December, 1920	32	11	7	15	15	24	16	88	82	144	434
October, 1921	28	5	7	14	16	27	20	67	74	128	386
October, 1922	27	4	5	13	24	11	13	54	76	132	359

Per Cent.

June to August, 1919	9.2	4.9	5.8	10.9	8.1	6.0	16.4	2.3	13.6	22.8	100
December, 1920	7.4	2.5	1.6	3.4	3.5	5.5	3.7	20.3	18.9	33.2	100
October, 1921	7.2	1.3	1.8	3.6	4.1	7.0	5.2	17.4	19.2	33.2	100
October, 1922	7.5	1.1	1.4	3.6	6.7	3.1	3.6	15.0	21.2	36.8	100

These tables show the extent of part time employment since all persons shown in 1920 and thereafter as receiving less than $16 per week were necessarily working less than full time. Part time employment was undoubtedly increased, especially in hotels, by the introduction of the minimum wage order. Hotel employers avowedly shortened working hours wherever possible to avoid paying the full minimum wage. However, despite the increase in part time work the wage order has brought a very substantial improvement in wage conditions. This is apparent from tables XII and XIII. In the hotels the proportion of women actually receiving less than $13 per week decreased from 42 per cent in 1919 before the wage order was established to 22 per cent in 1922, while the proportion receiving $16 and over increased in the same period from 26 per cent to 54 per cent. In the restaurants the original wage conditions were somewhat better. Among women restaurant employees in the same period the proportion at less than $13 decreased from 31 per cent while that at $16 and over increased from 39 per cent to 73 per cent.

Calculating the median wages from these tables we find that in the hotels the median wage was $13.94 prior to the minimum wage order, rose to $15.71 in 1920, $16.14 in 1921 and $16.15 in 1922. In the restaurants the original median wage was $15.32, rose to $17.11 in 1920, $17.14 in 1921 and $17.38 in 1922.

It is interesting to note that although 27 per cent of the women employed in restaurants in 1922 worked less than full time still the median wage for the group was well above $17.

Furthermore, it should be remembered that even the women receiving less than $16.50 in 1922 had been benefited by the establishment of the minimum wage. Even where their cash wage was increased only slightly the curtailment of their hours of work enabled them to supplement their earnings with other employment wherever they so chose. How many of them actually did this it is of course impossible to say.

Similar tables for the laundry industry cannot be constructed because of the large number of laundries which have refused to comply with the law.

(d) Summary.

If we summarize the median wage figures given in the preceding pages we can see how substantial has been the increase in wages in the period since the establishment of minimum wage rates. This summary is given in Table XIV.

Table XIV.—Increase in the Median Wage from 1919 to 1922, by Industrial Groups.

Industry.	1919	1922	Increase.
Printing and publishing			
Commercial	$12.64	$18.58	$5.94
Non-commercial	16.36	20.30	3.94
Mercantile	12.91	16.91	4.00
Hotels	13.94	16.15	2.21
Restaurants	15.32	17.38	2.06

This means that compared with the unregulated wage conditions of 1919 the median wage has increased in every industrial group, the increase ranging from $2.06 to $5.94 per week.

(4) Peculiar Local Experience.

U. S. Senate. 65th Congress. Second Session. Report No. 486. Minimum Wage. Submitted by Mr. Hollis, from the Committee on the District of Columbia. June 7, 1918.

The Committee on the District of Columbia, to whom was referred the bill (S. 4548), to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a minimum wage board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and

for other purposes, having considered the same, report thereon with the recommendation that the bill pass, with the following amendments:

On page 3, line 20, after the word "salary" insert the following: "not exceeding $2,000 annually."

On page 3, lines 20 and 21, strike out the sentence "none of the members shall receive any salary as such" and insert the following: "The members shall receive their reasonable expenses and $5 for each day of actual service."

On page 7, line 15, after the word "thereof," insert the following sentence: "Each member shall receive his reasonable expenses and $5 for each day of actual service."

On page 12, at the end of line 13, insert the following: "or by imprisonment for not less than ten days nor more than three months, or by both such fine and imprisonment."

The Purpose of the Bill.

The purpose of this bill is "To protect the lives and health and morals of women and minor workers in the District of Columbia." It provides a method for ascertaining what is a suitable wage for women workers and minors in the District of Columbia and makes it unlawful to employ women in the District of Columbia for lower wages than are adequate to supply the necessary cost of living and to maintain them in health and protect their morals. It is further made unlawful to employ minors in any occupation within the District of Columbia for unreasonably low wages.

Interests Represented at Hearing.

A hearing was held on this bill in the Senate Office Building on April 17. Representatives spoke in favor of the bill from many different organizations—from the Merchants' and Manufacturers' Association of the District of Columbia, from the national and local consumers' leagues, from the national and local women's trades-

unions, and from local charitable and welfare organizations. Commissioner Brownlow and the health officer of the District also appeared, as well as a member of the Massachusetts Minimum Wage Commission, a former member of a minimum-wage board of the State of Washington, and other persons who have had personal experience of minimum-wage legislation in States where it is in operation. The Commissioners of the District also addressed a letter to this committee strongly indorsing Senate bill No. 4548. The letter is attached to this report as an appendix.

No one appeared before the committee in opposition to the bill and no opposition was expressed at the hearing. The representative of the Merchants' and Manufacturers' Association explicitly stated that if opposition to the bill existed among employers in the District, his association would have been informed.

In our opinion the favorable action of the Merchants' and Manufacturers' Association on this bill is the strongest argument in its favor. This organization is composed of the representatives of 33 different lines of business, including department stores employing 5,000 workers, the 12 largest laundries in the District, cigar manufacturers, etc. After careful consideration of the bill, the secretary of the association was instructed to appear before us and express approval of the measure. This favorable action carries due weight with the committee. Opposition to the legislation of this character would naturally come from employers if they believed that it would jeopardize the business interests of the community. The Merchants' and Manufacturers' Association has, on the contrary, gone on record as favoring Senate No. 4548, because they believe it to be a workable measure and that it would tend to benefit business.

The committee has come to two main conclusions in regard to this measure:

First, that owing to the increased cost of living there is need of readjusting the wages of working women in the District outside of Government employment; and second, that the plan proposed in Senate bill No. 4548 is a

measure which has met with practical success in various States and has demonstrated its usefulness both to employers and employees. (Pages 1-2.)

This bill provides effective machinery for a fair adjustment of the wages of the lowest paid workers. The community clearly has an interest in seeing to it that the earnings of these wage-earners do not fall below subsistence level, and allow them to become public charges through sickness or other disability. Public aid means increased public expenditures, such as charges for hospitals or charities. When wages are too low for decent self-support, the underfeeding and privation which result are well-known causes of ill health, and predispose the workers to succumb readily to exposure or disease. It is for these reasons that the secretary of the Associated Charities of the District and of the Society for the Prevention of Tuberculosis, who appeared before us, stated that all the welfare organizations of the District are a unit in favor of this bill. (Page 3.)

District of Columbia. Minimum Wage Board. Fifth Annual Report. December 31, 1922.

The only conference held during 1922 was the reconvened conference in the mercantile industry. This conference was called at the request of the employers' organization, the Merchants' and Manufacturers' Association, which asked for a reconsideration of the $16.50 rate adopted in July, 1919. The reconvened conference after careful study of the subject voted against any change in the $16.50 rate.

On March 7th the Merchants' and Manufacturers' Association asked whether in view of the reduction in the cost of living there might be a reconsideration of the existing rate. Before acting on their request the Board asked the United States Department of Labor to make an investigation of living costs for a self-supporting woman employed in the mercantile industry in the District of Columbia. A detailed study was made by the Women's Bureau during the month of April, 1922. (See

Appendix.) This study reported the actual prices found for the various items but did not contain a budget. The Minimum Wage Board after deliberation decided by a vote of two to one to reconvene the original mercantile conference to consider whether any change should be made in the $16.50 rate which they had unanimously recommended in July, 1919. The member of the Board representing the employees voted against reopening the subject.

Only three of the original members of the Conference were able to serve. The vacancies were filled by appointment by the Board. The two new representatives of the public were selected after discussion of a large number of names in order to find persons upon whom all three members might agree. Employers and employees made nominations for their representatives, the employees making theirs at a meeting called by the Board for the purpose. In addition to the appointed members all three members of the Board served on the conference.

This group began meeting on June 14 and held six meetings. At the outset the representatives of the employers presented a statement in which they asked that the minimum wage be reduced to $15.25 and presented a budget totaling $15.10. In reply the representatives of the employees submitted a budget totaling $18.66, basing their clothing budget on the prices given in the study made by the Women's Bureau and presenting their own estimates for the other items. The following table shows these budgets in summary form and, for the sake of comparison, the budget previously adopted by the conference in 1919.

Table II.—Comparison of Budgets.

	Cost per week in budget adopted July, 1919	Cost per week in budget presented by representatives of employers June, 1922	Cost per week in budget presented by representatives of employees June, 1922
Room and board (including lunch) ..	$9.30	$9.40	$9.64
Clothing	4.00	3.00	3.92
Sundries	3.20	2.70	4.80
Total	$16.50	$15.10	$18.66

Since the employers did not claim any reduction in the cost of room and board that item was passed over and the conference gave its attention to those items of clothing and sundries in which the employers asked reductions from the 1919 figures. As a basis for comparison they accepted the detailed clothing budget presented by Judge Sellers (a member of the Public) in 1919, as constituting the clothing budget adopted by the original mercantile conference although actually the conference had merely adopted its total. In the same way they accepted the sundry budget of the printing trades conference although actually the total amount and the list of items but not the prices formed part of the mercantile conference report.* A comparison of the three detailed budgets is given below.

*The total amount allowed for sundries in the original mercantile budget was 5c more than that allowed in the printing trades, namely $3.20 instead of $3.15.

Table III.—A Comparison of the Clothing Budgets Discussed in the Reconvened Mercantile Conference, June, 1922.

Article	Number of articles and cost per year					
	As accepted as budget of July 1919		As presented by employers June 1922		As presented by employees June 1922	
	Number per year	Cost per year	Number per year	Cost per year	Number per year	Cost per year
Suit	½	$17.50	½	$12.48	½	$19.87½
Coat	½	19.75	½	13.34	½	19.50
Waist	6	12.00	6	9.72	6	12.00
Dress Waist	1	5.50	1	4.56	1	5.00
Wool dress	½	10.00	½	6.65	½	12.50
Wool skirt	1	10.00	1	5 28	1	7.95
Summer skirt	2	5.00	2	5 16	2	7.00
Dress-up dress	½	14.75	½	9.14	½	12.50
Hats	3	15.00	2	8.06	3	12.90
Dress Hat			1	5.21		
Wash dress	2	16.00	2	9.98	2	14.00
Shoes	4	31.50	3	16.80	4	25.90
Gloves	3	4.50	3	3.60	3	5.00
Hose, lisle		5.00	8	.00	8	5.00
Hose, silk			2	3.12		
Corsets	2	5.00	2	4.12	2	5.00
Union Suits:						
Summer	8	5.00	10	.90	8	5.52
Winter	3	4.50			3	3.45
Corset covers and envelope chemises	6	6.00	5	3.65	6	6.00
Gowns	4	4.00	4	3.72	4	4.00
Underskirts:						
White	2	3.00	2	2.28	2	2.00
Colored	1	3.95	1	2.40	1	1.98
Miscellaneous:						
Handkerchiefs	12	1.80	12	1.80	12	1.80
Aprons	2	2.00	2	1.70	2	2.00
Kimona	½	1.00	½	1.00	½	1.50
Purse	1	3.00	1	2.47	1	2.00
Umbrella	1	1.50	½	1.00	½	1.75
Rubbers	1	1.25	1	1.07	1	1.25
Repairing shoes		2.50		2.50		1.75
Repairing suit and skirt		2.25				1.90
Neckwear		1.25		1.25		1.15
Other miscellaneous		2.00		2.00		2.00
Total		216.50		156.66		203.90½
Less		8.50				
		208.00				
Per week		4.00		3.01		3.92

Table IV.—A Comparison of the Sundry Budgets Discussed in the Reconvened Mercantile Conference, June, 1922.

	Cost per week as accepted as budget of July, 1919	Cost per week as presented by employers June, 1922	Cost per week as presented by employees June, 1922
Laundry	$ .75	$ .50	$1.05
Sickness	.50	.50	.50
Dentistry			.15
Oculist			.10
Amusement	.20	.20	.44
Vacation	.25	.25	.40
Savings and insurance	.35	.10	.35
Church and charity	.10	.10	.10
Organizations	.10	....	.20
Self-improvement	.10	.10	.25
Carfare	.60	.80	1.07
Other incidentals	.20	.15	.24
Total	$3.15	$2.70	$4.80

Discussion centered on the fourteen major items of clothing in which the employers tried to show substantial reductions in price. To prove their case they called as witnesses buyers from the principal stores who submitted samples of the various articles of clothing. On the other hand Mrs. Mildred Gordon who had made the study for the Women's Bureau, testified as to the methods used in obtaining the somewhat higher prices given in that study.

The conferees also discussed the sundry items which the employers wished to reduce or eliminate, namely laundry, savings and organization dues.

At the close of the evidence the employers repeated their request for a reduction in the wage while the employees replied with the contention that practically all items in the cost of living had increased since 1919 with the exception of clothing where the decrease was slight and not likely to be permanent. On motion the confer-

ence voted not to reduce the $16.50 rate—the employers' representatives voting in opposition.

Another meeting of the Conference was devoted to a discussion of the learning period which the employers had asked be extended from seven months to twelve. The conference decided that the employers had failed to present sufficient evidence to warrant such change.

The conference then adjourned for the summer. In the fall the employers decided that they did not wish to present further evidence in regard to learners' rates. Therefore the conference met and drew up its report recommending the retention of the $16.50 minimum wage and the seven month learning period. This report was signed by eight of the twelve members.

Arkansas.

(1) Minimum Wage Orders. [Summarized.]

No. 3. *Mercantile in City of Fort Smith.* Effective December 1, 1922. Experienced females, $11.00. Learners: 6 months, at $10.00.

No. 4. *Mercantile in City of Little Rock.* Effective December 1, 1922. Experienced females, $11.00. Learners: 6 months, at $10.00.

(2) Wages and Minimum Ordered.

Arkansas. Minimum Wage and Maximum Hour Commission. Order No. 2. Mercantile Establishments, City of Fort Smith. August 4, 1920.

The commission issued an order on August 4th, effective from and after September 1, 1920, establishing $13.25 as the minimum wage to be paid experienced females, and $11.00 as the minimum wage to be paid inexperienced females employed in mercantile establishments in the city of Fort Smith.

But the commission directs attention to the fact that the award made by the commission is a substantial increase over the wage paid in the mercantile industry in the city of Fort Smith. * * *

Arkansas. Industrial Welfare Commission. Official Statement by T. A. Wilson, Chairman. November 5, 1922.

In announcing the decision of the Commission, [minimum wage of $11.00 in mercantile establishments in Little Rock], Commissioner Wilson said:

"The decision of the Commission was reached at a session at which the entire membership was present, and every feature of the testimony heard was considered. The commission had to take into consideration many features brought out at the hearing. We found that

many of the women employed were paid less than $10 per week, and that a great many were paid more. In the larger establishments, the prevailing wage was more than $10 per week for women employes. Also that in the larger establishments the environments are better; that many of the stores have sick benefit features, in which girls are paid part wages when sick; that they receive from 15 to 20 per cent discount on clothing purchased; that lunch rooms and rest rooms are maintained for the convenience of the women; that meals may be purchased at very low prices. In other establishments, the women receive lower wages, no advantages in the way of discounts or accommodations.

"With the co-operation of the leading business men of Little Rock, three of whom employ approximately 600 women, being equal to the number employed by all the other establishments in the city of Little Rock, the commission fixed the minimum wage to be paid females in the city of Little Rock at $10 per week for inexperienced workers and $11 per week for experienced workers.

"The present legal wage, which was established in 1915, is $6 a week for inexperienced workers and $7.50 per week for experienced workers. It will be noted that the wage fixed by the commission represents a very substantial increase over the present legal minimum. The order fixing the wages does not prevent nor prohibit employer from paying more, and will not restrict advancement nor discourage employes from endeavoring to increase their efficiency and thereby secure a better wage.

"The commission desires to express appreciation to the business men and others interested in the matter for their co-operation. The frank and sincere manner of the business men working with the commission, their efforts to assist the commission in securing information, their willingness to agree to an equitable wage, and their interest in the welfare of their employes, is recognized by the commission, when it was stated that no reduction of wages would follow any order that the commission made;

that the minimum would be met; that employes receiving less than the minimum would be raised, but those receiving more would not be reduced."

Statement of I. H. Nakdimen, Member of the Industrial Welfare Commission of Arkansas. Southwest American. Fort Smith, Arkansas. November 5, 1922.

How are you going to place these two classes of merchants on equality? One takes an interest in his employes and the other does not take an interest, and does not care.

One merchant when he employs a girl, looks forward to the girl working with him and staying with him for years and really hopes for the girl to improve, so he can pay her good wages. The other merchant, who does not care about the welfare of the girl, does not care about the welfare of the community, and all in the world he wants is for the girl to work for him as cheaply as she can, as hard as she can, and as long hours as the law allows.

We find three merchants in Little Rock who are employing 600 girls. That is more girls than all the balance of the stores employ in Little Rock. We find among the 600 girls there are mighty few who are working at low wages.

In order to take all precautions in deciding what the minimum wage should be, in order not to be arbitrary, in order to have the employer and the employes to work harmoniously, and in order for our ruling to be satisfactory to both, we as the commission sent for these merchants who are liberal to the girls and who are employing the majority of them and discussed with them the matter at issue from every angle.

They of course brought out good points. They showed their side. They were not arbitrary and they did not go to an extreme upon their side. After four hours discussion, we came to the understanding, and it was satisfactory to the merchants as well as to the commission, to

raise the minimum wage from $6 in Little Rock to $10 a week.

The commission feels that we have accomplished not only an increase in wages, but increase in good feeling of the girls toward their employers and of the employers toward the girls.

The merchants in Fort Smith have been very liberal with their girls. In fact, we find Fort Smith merchants pay their girls more than Little Rock does, but the reason is because the commission made a minimum wage in Fort Smith of $11 a week in 1920, when conditions were good, when prices were high, and living higher than it is now.

The merchants stated, in testifying before the commission, that no reduction would be made in the wages of employes now at work, and none would be discharged because of salary; that any change in rate of wages would affect only new employees.

(3) Investigations for Effect of Minimum Ordered.

*U. S. Department of Labor. Women's Bureau Bulletin No. 26. Women in Arkansas Industries. 1923.**

Earnings in Fort Smith.

The higher minimum rate prevailing in mercantile establishments in Fort Smith rendered it desirable to tabulate separately figures for Fort Smith and the rest of the State. This separation makes it possible to note the immediate effect of the minimum wage on earnings in stores, and also the indirect effect on other groups of white workers. The details from which the following medians are taken will be found in Tables I and II in the appendix.

*Copied from proof sheets.

Median Earnings.

	All industries.	All manufacturing.	General mercantile.	5-and-10 cent stores.	Laundries.
Fort Smith ...	$12.35	$10.10	$15.95	$13.30	$10.05
State, exclusive of Fort Smith	11.10	10.10	14.95	9.20	10.30

The foregoing figures show clearly that the higher minimum wage rate for general mercantile and 5-and-10-cent stores in Fort Smith raised the earnings in these industries, but did not affect, even indirectly, the earnings of women in manufacturing and laundry establishments.

The most pronounced effect of the higher minimum rate was shown in 5-and-10-cent stores, where the median was found to be $3.90 higher in Fort Smith than throughout the State. The median for "all manufacturing was lower in Fort Smith than in the rest of the State, but for general mercantile establishments and laundries it was higher. It is impossible, however, to discover whether the higher rate in laundries was due to the competition with the higher pay in 5-and-10-cent stores and mercantile establishments, to the organization of the laundry workers in Fort Smith, or to other causes.

If the Fort Smith minimum mercantile wage of $13.25 for one week is multiplied by 52, the result is a yearly budget of $689. This is very nearly the same as the median earnings of $698 for all women, and brings out the fact that nearly one-half of the white women earned less than the minimum based on the Fort Smith budget.

It is interesting to note in the following statement that in Fort Smith, where there was a higher minimum wage for women in mercantile establishments than elsewhere in the State, no telephone operator had a rate of less than $23, while throughout the State 95 operators were reported with rates under $23. The median rate for telephone operators in Fort Smith was $30.05, a figure $3 higher than that for operators in the rest of the State.

(4) Peculiar Local Experience.

Arkansas. Bureau of Labor and Statistics. Fourth Biennial Report. 1919-1920.

Minimum Wage and Maximum Hour Commission.

Under the chapter of "Proposed Legislation" we have recommended changing the name of the "Minimum Wage and Maximum Hour Commission" and enlarging the *personnel* of the body. These recommendations are made (1) because the present title of the commission is ambiguous and misleading, and (2) as at present constituted representation on the commission is not equitably distributed. The commission is composed of three persons—two women and the Commissioner of Labor. One member is appointed by the Governor and one by the Commissioner of Labor. Both are appointed without reference to representation of either employer or employee.

We are of the opinion that the law under which the commission operates (Act 191, Acts 1915, as amended by Act 275, Acts 1919), should be amended changing the name of the commission to the "State Industrial Welfare Commission," which it is in fact, and should be designated by name that would more clearly define its duties and more specifically identify the purposes.

The law should provide for a membership of at least four, exclusive of the Commissioner of Labor. Two members should be women and two men. Representation of employers and of labor should be equal on the commission, that is, one of the women and one of the men should come from the ranks of employers and a like number from labor.

A commission thus composed would be better balanced and would have the confidence of both employer and of labor, and neither could consistently question the findings of the commission because of any partiality that might be shown in the rulings. Both employer and labor should be represented; both should have confidence in

the work of the commission, and this can best be secured when both have an equal representation.

These recommendations are made without intent to criticise the work of the commission during the period of this report. The commission has worked faithfully, and, we are convinced, impartially and conscientiously. But any possibility of fault-finding should be removed, and this can best be done by amending the law as suggested above.

There should be nothing done to hamper the work of the commission. The protection of the women workers of the State should be advanced. No backward step will be taken, we feel sure. The rule has been established and has been found to the best interest of the State to protect the working women—those who are compelled by circumstances to enter the commercial field and compete with men and with each other. Women must have the protection of the State to care for their health and their material welfare. Society owes them this protection and Arkansas should not be one of those States to fail in its duty to its women workers. (Page 20.)

California.

(1) Minimum Wage Orders. [Summarized.]

No. 3. *Fruit and Vegetable Canning.* Effective June 21, 1921. Experienced females, $16 per week or 33⅓ cents per hour; for overtime rates see page 56, "Emergency Work." Learners for two weeks: adult, $12 per week or 25 cents per hour, overtime rate, 31 cents per hour, double time rate, 50 cents per hour; minors (16 to 18 years), females, $10.56 a week or 22 cents per hour, males, $12 a week or 25 cents per hour.

Piece Rates for Preparation of Fruit and Vegetables for Canning.

Minimum or Least Piece Rate per 100 Pounds.

Cherries	$0.75	Cling Peaches.....	$0.30
Apricots	.48	Pears	.55
Free Peaches	.18		

Tomatoes (finished product), per 12 qts. 5 cents.

Other fruits and vegetables, rates to be fixed by establishments to yield to at least 50 per cent. of the adult women at least 33⅓ cents per hour. If during any given week rates do not so yield, a percentage increase shall be added sufficient to make 50 per cent of the adult women receive at least 33⅓ cents per hour. Provided earnings of women and female minors which fell below 33⅓ cents per hour shall not exceed 33⅓ cents per hour. Elderly and infirm cutters working on permits issued by Commission shall be eliminated from the audit but paid the percentage of increase.

Piece Rates for Labeling.

Each establishment shall fix rates to yield all females for two weeks 25 cents per hour, thereafter 33⅓ cents per hour.

Nos. 5 to 14. *Any ocupation, trade and industry* (exclusive of telephone or telegraph, domestic labor, skilled trades, or harvesting, canning, curing or drying of any

variety of fruit or vegetables). Effective at various dates between June 26-September 25, 1920.

Experienced Females.

Minimum wage of $16 per week or 33⅓ cents per hour

Emergency Work in Fruit and Vegetable Canning, Fish Canning,* Fruit and Vegetable Packing, and Agricultural Occupations, *i.e.*, work performed in excess of 8 hours a day or 6 days in one week. In excess of 8 hours and up to 12 hours at 1¼ time or piece rates provided; in excess of 12 hours, at double the rates; on Sunday or the day of rest, for the first 8 hours at 1¼ time rates, and thereafter at 2¼ time rates.** (Also applies to learners and minors.)

Work on the Day of Rest in General and Professional Offices and Hotels and Restaurants, at 1¼ the rates (excluding hotel and restaurant workers who are employed for 6 hours a day or less). Also applies to learners and minors.)

Less than a Full Week's Employment in Fish Canning, Laundry and Dry Cleaning, Unclassified Occupations and Manufacturing, at 38 cents an hour. (Proportionate increases for learners and minors according to experience.)

Part Time Work in Mercantile, Laundry and Dry Cleaning, General and Professional Offices, Unclassified Occupations, and Manufacturing, *i.e.*, work on an hourly basis for less than 8 hours in one day, at 40 cents per hour. In Hotels and Restaurants, *i.e.*, when employed 3 hours a day or less, at 40 cents per hour; more than 3 hours a day, 38 cents per hour or $16 a week.

Special Work in Mercantile, *i.e.*, on full day basis for less than 6 days a week, $2.66⅔ per day.

Temporary Work in General and Professional Offices, *i. e.*, less than two weeks, $2.66⅔ per day. (Also applies to minors.)

*In fish canning *all* night work, after 10 P. M. and before 6 A. M., is paid for at emergency rates.
**In dried fruit, raisins, *all* Sunday work is paid for at 1¼ the rates.

Continuous Process Work in Manufacturing, after 11 P. M. and before 6 A. M. at 1½ time rates.

Piece Rates in Fruit and Vegetable Packing, not to net less than $16 per week.

Deductions Permitted in Hotels and Restaurants, for bona fide meals; breakfast 25¢, lunch 30¢, dinner 45¢; for room, $3 a week.

Learners and Minors.

No. 5. *Mercantile.* Learners: 6 months at $12, 6 months at $14. Minors (under 18): 6 months at $10, 6 months at $12, 6 months at $14, thereafter $16. Part time workers at 30¢ per hour. Special workers, minors at $2 per day. Learners and minors in seasonal millinery work rooms: first season, 4 weeks at $8, 4 weeks at $9, 4 weeks at $10; second season, 4 weeks at $12, 4 weeks at $13, 4 weeks at $14.

No. 6. *Fish Canning.* Learners and minors: 1 week at $12 or 25¢ per hour, 1 week at $13 or 27¢ per hour, 1 week at $14 or 29¢ per hour, 1 week at $15 or 31¢ per hour. Provided, however, if full week's employment is not provided hourly rates shall be increased 5 cents.

No. 7. *Laundry and Dry Cleaning.* Learners and minors: 3 months at $12, 3 months at $14. Provided if full week's work is not provided, hourly rates shall be during first 3 months at 30¢ per hour, second 3 months at 35¢ per hour.

No. 8. *Fruit and Vegetable Packing.* In citrus, dried fig, layer raisin packing: learners, 4 weeks at $12 or 25¢ per hour; minors, 4 weeks at $10.56 or 22¢ per hour, thereafter $16. In other branches: learners, 2 weeks at $12 or 25¢ per hour; minors, 2 weeks at $10.56 or 22¢ per hour, thereafter $16.

No. 9. *General and Professional Offices.* Learners: 3 months at $12, 3 months at $14. Minors (under 18): 3 months at $10, 3 months at $11, 3 months at $12, 3 months

at $14, thereafter $16. Minor or part time workers at 30¢ per hour.

No. 10. *Unclassified Occupations.* Learners: 3 weeks at $12 or 25¢ per hour; for less than a full week of employment at 30¢ per hour or $12. Minors: 3 weeks at $10.56 or 22¢ per hour, thereafter $12 or 25¢ per hour; for less than a full week's employment, if inexperienced, 25¢ per hour or $10.56, if experienced, 30¢ per hour or $12; part time workers at 30¢ per hour.

No. 11. *Manufacturing.* Learners: 3 months at $12, 3 months at $14; for less than a full week of employment, during first 3 months at 30¢ per hour, during second 3 months at 35¢ per hour. Minors: 3 months at $10, 3 months at $12, 3 months at $14, thereafter $16; for less than a full week of employment, during first 3 months at 25¢ per hour, during second 3 months at 30¢ per hour, during third 3 months at 35¢ per hour, thereafter at 38¢ per hour; part time workers at 30¢ per hour; for 8 hours on Saturday or Holidays, $2 per day.

No. 12. *Hotels and Restaurants.* No special rates for learners or minors.

No. 14. *Agricultural Occupations.* No special rates for learners or minors.

PROVISIONS TO SECURE PAYENT OF MINIMUM WAGE ORDERED.

a. By Disregarding Gratuities.

Order No. 12. Hotels and Restaurants. No person, firm or corporation may construe tips or gratuities as being part of the legal minimum wage.

b. By requiring Commissions and Piece Rates to Net the Minimum Wage.

Orders Nos. 3,* 5, 7, 8, 9, 10, 11, 12 Every person, firm or corporation making payment of wages upon a commis-

*No. 3 applies to labeling.

sion, bonus or piece-rate basis shall guarantee to all women and minor employees not less than the minimum time rates for the wage groups in which they belong. Also in Order No. 11. Manufacturing. Bonuses paid to secure regularity of attendance may not be counted as part of the minimum wage.

Order No. 3. Fruit and Vegetable Canning. For the canning of all varieties of fruit and vegetables, piece-rates may be fixed by the individual establishment, provided that these piece-rates shall yield to at least 50 per cent of the adult women working upon such piece-rates not less than 33⅓¢ per hour. If these piece-rates do not yield 33⅓¢ an hour to 50 per cent of the adult women working upon them in the individual establishment, a percentage of increase sufficient to make the piece-rates so yield, shall be added to the earnings of all women and female minors whose piece-work earnings fell below 33⅓¢ an hour, provided that the piece-work earnings of the women and female minors who fell below 33⅓¢ an hour and the per cent added to their earnings shall not exceed 33⅓¢ an hour.

Elderly and infirm canners working upon permits issued by the Commission shall be eliminated from the audit, but they shall be paid the percentage of increase.

Any person, firm or corporation desiring to pay on a piece-rate basis for the preparation or canning of fruit or vegetables shall file with the Commission his election so to do on or before June 1, 1921, together with his agreement to pay for such audits as may be reasonably required by the Commission in order to insure the yielding power of the piece-rates as required by this Order.

Rates per box shall be based on the maximum weight capacity of the box, which shall be fixed for each product for the season. The maximum weight shall be established upon average weight of sixteen boxes, filled to capacity, one box being placed on another. The rate shall be posted.

Order No. 11. Manufacturing. *Home Work.* Every person, firm or corporation employing home workers in

any manufacturing industry shall report the fact of such employment to the Industrial Welfare Commission, such report to include the statement of the character of work performed and the piece rates paid therefor.

Every person, firm or corporation employing women or minors in any manufacturing industry shall keep a record of the names and addresses of all female and minor employees who are given work to perform at home or outside of the place of business of such person, firm or corporation. This record shall include the amount of work performed and the wages earned weekly by each such worker and the piece rate paid shall be specified.

Every person, firm or corporation employing women on home work or work performed outside of the place of business of such person, firm or corporation, shall pay to such women a piece rate equal to a rate which will yield to sixty-six and two-thirds (66⅔) per cent of the women employed within the factory not less than 33⅓¢ an hour.

c. By Enabling Workers to Check Their Earnings.

Order No. 3. Fruit and Vegetable Canning. All women and minor workers shall be furnished with working checks indicating the hours worked, and the checks of pieceworkers shall also record the amount of work performed.

d. By Preventing Deductions.

Order No. 12. Hotels and Restaurants *Laundering Uniforms.* If an employer requires waitresses to wear a uniform or apron which is not laundered by the establishment, an allowance of 75¢ a week shall be paid in addition to the minimum wage.

Order No. 5. Mercantile, No. 9. General and Professional Offices. *Cash Shortage*: No person, firm or corporation shall make a deduction from the minimum wage of any woman or minor for a cash shortage, unless it be shown that the shortage is caused by the willful or dis-

honest act of the employee, notwithstanding any contract or arrangement to the contrary.

e. By Rules as to Experience in Industries Where Work is Irregular.

Order No. 6. Fish Canning. Women and minor workers are deemed experienced when they have been employed in the establishment for four weeks or 150 hours.

Order No. 8. Fruit and Vegetable Canning. Every employer in the fruit and vegetable packing industry shall, when demand is made by any woman or minor employed, furnish such employee with a statement setting forth the period of employment of such employee in his establishment.

f. By Preventing Undercutting of Experienced Workers by Learners.

Orders No. 5, 7, 9, 11. No person, firm or corporation shall suffer or permit the employment of over 33 1/3 per cent of the total number of females (exclusive of the office force, the millinery workroom force, and the female workers regulated by Order No. 12) as learners, at less than the legal minimum wage of $16.00 a week. In computing the total number of females, special and part-time workers shall not be included. Also in Order 11. Manufacturing.

Provided that, in highly seasonal industries, a permit may be granted by the Industrial Welfare Commission to provide for an increase in the number of learners on proof that a sufficient supply of experienced workers is not available. Such permits will limit the number of learners allowed and the conditions under which they may be employed.

g. By Preventing Undercutting of Experienced Workers by Part Time Workers.

Order No. 5. Mercantile. The total number of adult and minor female part-time workers shall not exceed 10 per cent of the total number of females employed.

h. By Rules to Protect Learners in Regard to Learners' Certificates.

Order No. 5. Mercantile, No. 11. Manufacturing. Every person, firm or corporation employing learners shall make application for the registration of such learners at the end of two weeks' employment, and pending the issuance of certificates of registration, shall pay to all learners not less than the minimum rate for the wage group in which they belong.

All women and minor learners for whom applications for learners' certificates have not been made to the Industrial Welfare Commission at the end of two weeks' employment will be rated by the Commission as experienced workers, to be paid not less than $16.00 a week.

Facility for Learning.

Orders No. 5. Mercantile, No. 7. Laundry and Dry Cleaning, No. 11. Manufacturing. A learner is a woman or minor whom the Industrial Welfare Commission permits to work for a person, firm or corporation for less than the legal minimum wage in consideration of the provision, by such employer, of reasonable facilities for learning the industry.

Dismissal at Promotional Periods.

Orders Nos. 5, 7, 11. Learners' permits will be withheld by the Commission where there is evidence of attempted evasion of the law by firms which make a practice of dismissing learners when they reach their promotional periods.

Students of Vocational Schools.

Orders Nos. 5, 9, 11. Any person, firm or corporation may employ students attending accredited vocational, continuation or cooperative schools at part-time work on special permits from the Commission, and at rates to be determined by the Commission.

Earnings During First Two Weeks.

Order No. 11. Manufacturing. All adult and minor learners during the first two weeks of employment shall be paid not less than their piece-rate earnings; *provided, however,* that learners who remain in an establishment for thirty days shall, at the end of that period, be paid the difference between their piece-rate earnings for the first week and the minimum time rate for the same period; and that learners who remain in an establishment for sixty days shall, at the end of that period, be paid the difference between their piece-rate earnings for the second week and the minimum time rate for the same period. All adult and minor learners discharged within two weeks shall be paid the guaranteed rate for time worked.

Rates Saturdays and Holidays.

Orders No. 5. Mercantile, No. 11. Manufacturing. Minor workers employed for eight hours on Saturdays and holidays shall be paid not less than $2 a day.

i. By Rules Facilitating Law Enforcement.

Records.

Orders Nos. 3, 5, 6, 7, 8, 9, 10, 11, 12. Every person, firm or corporation employing women or minors in the given industry shall keep, in a form and manner approved by the Industrial Welfare Commission, records of the names and addresses, the rates paid, the hours worked and the amounts earned by all women and minor employees, such records to be kept on file for at least one year. Male minors shall be marked "M" and female minors "F" on the pay roll.

Every person, firm or corporation employing women or minors in the mercantile industry, failing to keep records as required in Section 11 (*a*) of this Order, *shall be guilty of a misdemeanor.*

Day of Rest.

Orders Nos. 3, 6, 8, 9. Sunday shall be considered the day of rest for all women and minors unless a different arrangement is made by the employer for the sole purpose of providing another day of the week as the day of rest. In all such cases a written or printed notice shall be posted in the workroom, designating the day of rest for all women and minors:

Report on Emergency Work on Day of Rest.

Order No. 12. Hotel and Restaurants. That firms employing women on their day of rest in case of emergency, shall, within the week in which the emergency occurs, mail to the Industrial Welfare Commission a statement of the nature of the emergency, the names of the women employed on their day of rest, the number of hours worked by them during the day and the amounts paid them.

Permits for Continuous Process Work.

Order No. 11. Manufacturing. No person, firm or corporation employing women in any manufacturing industry shall employ, or suffer or permit any woman to work before the hour of six (6) a. m. or after the hour of eleven (11) p. m. without a permit from the Industrial Welfare Commission. Such permits will define the conditions under which such night work may be performed and will be issued only when the work to be performed is a continuous process which can not be controlled in any other way.

Permits for Time Work.

Orders No. 5. Mercantile, No. 11. Manufacturing. All adult and minor part-time workers shall be registered with the Commission. Registration of part-time workers is accomplished by sending to the Commission, at the end of two weeks' employment, the following information concerning each part-time worker: Name, age, address.

hours to be worked a week, amount to be paid a week, and for minors under sixteen years of age, the kind of working permit.

ANALYSIS OF RATES.

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. Report of California Industrial Welfare Commission, 1919-1920. July, 1921.

Fruit and Vegetable Order Revised—1921.

The list of fruits and vegetables for which rates are fixed is considerably shortened as compared with last year, asparagus, string beans, plums, grapes, and the hand peeling of peaches being omitted, subject to the rates adopted by individual establishments, which must, however, yield 33⅓ cents per hour to 50 per cent of the adult women working in the individual establishments. This is a relaxation from the test under the preceding order, when 66⅔ per cent of the workers must earn the minimum in order to justify its continuance. Another relaxation which favors the employer is that labelers are to be counted experienced after two weeks of employment instead of after a single week as under the prior order. Slight changes were also made in regard to records, etc., of hours of labor, but not affecting working time.

(Page 142.)

(2) Wage Investigations and Minimum Ordered.

California. Industrial Welfare Commission. Report on the Regulation of Wages, Hours and Working Conditions of Women and Minors in the Fruit and Vegetable Canning Industry of California. May, 1917.

The Wage Board unanimously accepted the following minimum rates of pay for cutting and canning of fruits and vegetables:

Cutting.

	Per 100 lbs.	Box 40 lbs.
Apricots	$.225	$.09
Pears	.375	.15
Peaches, cling	.225	.09
Peaches, free	.125	.05
Tomatoes—per dozen quarts		$.03

Canning.

	Per dozen cans
Fruit, No. 2½	$.015
Fruit, No. 10	.036
Tomatoes, No. 2½	.01
Tomatoes, No. 10	.024

I would like to call your attention to the effect of these recommended rates upon the industry, and the gain to the women working in the industry, if the commission accept them.* (Page 45.)

In the season of 1915, 43 per cent of the canneries packing apricots paid a lower rate than $.225 per hundred pounds, or $.09 per 40-pound box. It will mean a gain to the women working in these canneries of from 1 to 4 cents per box of 40 pounds. Sixteen per cent of the canneries packing apricots paid $.225 per hundred pounds and 41 per cent were paying above that rate.

*Rates accepted by Order No. 1, Feb. 14, 1916.

Apricots are 19.1 per cent of the entire fruit pack of the state.

Occupation.	Minimum Piece Rate.
Cutting Apricots,	$0.225 per 100 lbs. (or $0.09 per 40 lbs.)
Cutting Pears,	0.375 per 100 lbs. (or 0.15 per 40 lbs.)
Cutting Cling Peaches,	0.225 per 100 lbs. (or 0.09 per 40 lbs.)
Cutting Free Peaches,	0.125 per 100 lbs. (or 0.05 per 40 lbs.)
Cutting Tomatoes,	0.03 per 12 quarts

Occupation.	Size of Can.	Minimum Piece Rate.
Canning All Varieties of fruit..	No. 2½	$0.015 per doz.
Canning All Varieties of fruit..	No. 10	0.036 per doz.
Canning Tomatoes.....	No. 2½	0.01 per doz.
Canning Tomatoes.....	No. 10	0.024 per doz.

(Page 51.)

Of the canneries packing free peaches, 19 per cent paid less than $.125 per hundred pounds, or 5 cents per box of 40 pounds for peeling. It means a gain to the women 1 cent per box of 40 pounds of fruit. Thirty-eight per cent of the canneries were paying $.125 per hundred pounds, and 43 per cent paid above this rate. Free peaches are 14.9 per cent of the entire fruit pack of the state.

Of the canneries packing pears, 36 per cent paid less than $.375 per hundred pounds, or 15 cents per box of 40 pounds for pteling. It means a gain to the women in these canneries of from 1 to 3 cents per box of 40 pounds. Thirty per cent of the canneries paid this rate, and 34 per cent paid above this rate. Pears are 13.5 per cent of the entire fruit pack of the state.

Of the canneries packing cling peaches, 58 per cent paid less than $.225 per hundred pounds, or 9 cents a box of 40 pounds. It will mean a gain to the women in these canneries of from 1 to 4 cents per box of 40 pounds. Twenty per cent of the canneries paid this rate, and 22

per cent above this rate. Cling peaches are 43.9 per cent of the total fruit pack of the state.

Therefore, the recommended rates of the Wage Board would materially raise the earnings of the women who prepare these four products, which are 91.4 per cent of the total fruit pack of the state.

Of the canneries which reported canning tomatoes, 18 per cent paid less than 3 cents per 12-quart bucket. The tomato pack is 21 per cent of the entire fruit and vegetable pack of the state.

When you consider that these gains have been made by the unanimous recommendation of the Wage Board, and that the canneries affected by one or more rates employ throughout the season over 20,000 women, I think we may feel that this first Wage Board has been highly successful. (Pages 45-46.)

California. Industrial Welfare Commission. What California Has Done to Protect its Women Workers. April, 1921.

During the biennial period of 1919-1920, the Industrial Welfare Commission has twice amended its wage orders in accordance with the increase in the cost of living; it has extended its regulations to include the printing, bookbinding, lithographing and engraving trades, the hotel and restaurant industry and certain field occupations in which women are employed, and has standardized sanitary conditions in mercantile establishments. (Page 8.)

The Commission has limited the working hours of women in further restriction of the hours permitted by the Eight Hour Law, by prohibiting night work in certain industries and by making high overtime rates for overtime work in fish and fruit and vegetable canneries and in fresh fruit packing houses, all of which are exempt from the provisions of the Eight Hour Law. (Page 7.)

Following the adoption of the $16 weekly minimum wage, the Commission amended its wage orders in the fruit and vegetable canning, mercantile, fish canning, laundry and dry cleaning, and fruit and vegetable pack-

ing industries, in general and professional offices, unclassified occupations and in the manufacturing and hotel and restaurant industries, to provide for the new minimum. A minimum wage order was issued for the protection of women engaged in such field work as the cutting and pitting of fruit for dry-yards, and similar occupations. All these orders were issued within a period of three months. In February, 1920, the printing, bookbinding, lithographing and engraving trades, hitherto not regulated by the orders of the Commission, had been classified under the general manufacturing industry, and the minimum wage in these trades was therefore increased on July 27, 1920, to $16.

U. S. Department of Labor. Women's Bureau. News Letter No. 20. California. January 23, 1923.

The $16 minimum wage rate for women in the mercantile industry has been sustained by the Industrial Welfare Commission in accordance with the recommendation embodied in the report from a wage board made up of employers and employees in that industry. This report was unanimously in favor of the retention of the $16 minimum. Statistics of the Industrial Welfare Commission indicate that 31,189 women are employed in stores in California and that of this number about 6 per cent, or 1909 women and minors, are being paid less than $16 a week as regular apprentices. In 1914 about 62.5 per cent of women and minors in this industry received less than $10 a week.

The Industrial Welfare Commission will now proceed to fix the minimum wages for women and minors in other industries. It is expected that the minimum wage will be set for the general manufacturing industry sometime in January, also for the fish canning industry and needle industries. Later the Board will proceed to fix the minimum wage for the fruit canning industry, laundry industry, telephone and telegraph offices, general and professional offices, hotels and restaurants, and the textile industries. (San Francisco Examiner, December 30, 1922.) (Page 1.)

(3) Reinvestigations for Compliance with Minimum Ordered.

California. Industrial Welfare Commission. Third Biennial Report. 1917-1918.

Approximately 85,000 women, or 85 per cent of all women working in industrial life in California, are now under the protection of the Industrial Welfare Commission. Pay roll returns show an addition by the commission rulings of over one million dollars to the wages of women in the mercantile, laundry, and canning industries, to say nothing of the gains to the office workers, fish canning, fruit packing and unskilled occupations of which comparative payrolls were not available.

That this increase in wages is to be credited wholly to the rulings of the Industrial Welfare Commission, the following table indicates:

Cumulative Per Cent of Women Receiving Under $10.

Mercantile industry—	
1914	52.5 per cent
April, 1917	40.8 per cent
September, 1917, ...	20.2 per cent
Laundry industry—	
1914	59.2 per cent
October, 1917	56.3 per cent
January, 1918	22.1 per cent

In the mercantile industry, for the three years from 1914 to 1917, there was only a decrease of 11.3 per cent in the number of women earning less than $10. In the five months from April, before the order went into effect, to September, when the order went into effect, the drop was 20.6 per cent. There was a gain to the workers of not less than $660,000 per annum by the increase of rates paid in September over those paid in April.

In the laundry industry, the period of comparison is even shorter—three months; the gains are that much more definitely to be credited to the commission. For

the three years from 1914 to 1917, the decrease in the number receiving less than $10 was 2.9 per cent, whereas the decrease for the three months from October, before the order became effective, to January when it became effective, was 34.2 per cent. The increase in wages amounted to $236,000 per annum. (Page 12.)

The first orders of 1916 in the canning industry increased rates paid in 50 per cent of the canneries packing cling peaches; in 19 per cent of those packing freestone peaches; in 36 per cent of the canneries packing pears; in 43 per cent of the canneries packing apricots. The amended orders of 1917 further increased rates. In 1918, the minimum piece rates were increased from 10 to 50 per cent and the time rate from sixteen cents to twenty cents. (Page 13.)

Effects of the Mercantile Order.

Weekly Rate of Wages—Identical Establishments.

City	No. Investigated	Per cent. of Women Receiving (Cumulative)— Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	$12 and Over	Official Minimum Wage Based on the Cost of Living**
San Francisco (29 establishments)—												
1914	3,556	.6	2.7	10.7	20.4	24.0	35.6	48.5	56.2	65.0	35.0	
April, 1917	3,621	.1	1.2	3.1	5.2	13.3	22.9	37.1	45.4	58.2	41.8	
September, 1917	3,984	.....	.....	.....	3.6	5.6	13.5	21.0	46.3	69.1	40.9	
Los Angeles (17 establishments)—												
1914	3,842	.4	3.9	7.3	13.1	19.9	34.4	47.7	61.7	65.9	34.1	
April, 1917	4,059	.2	1.8	4.4	8.7	15.1	27.1	43.9	62.0	67.3	32.7	
September, 1917	4,309	.....	.....	.....	5.1	7.4	15.9	21.3	60.1	66.1	33.9	$10.00 Sept. 1917
Oakland (10 establishments)—												
1914	1,038	.7	8.1	12.4	30.4	39.2	50.0	59.4	69.8	75.1	24.9	
April, 1917	937	.9	3.7	10.1	19.3	32.5	41.7	52.3	62.3	70.0	30.0	
September, 1917	1,036	.....	.....	.....	6.3	9.6	21.2	*25.9	61.9	69.6	30.4	
San Diego (8 establishments)—												
1914	404	.2	2.4	5.4	21.0	34.8	45.4	55.1	64.0	67.2	32.8	
April, 1917	434	.5	2.3	3.5	16.3	31.3	40.3	50.8	61.6	65.3	34.7	
September, 1917	443	.....	.....	.....	7.2	10.6	19.4	23.9	62.3	66.4	33.6	
Sacramento (9 establishments)—												
1914	785	1.5	3.4	27.9	46.5	48.1	60.1	70.1	76.1	81.3	18.7	
April, 1917	730	.1	1.0	5.2	10.7	27.2	54.0	66.0	72.4	76.7	23.3	
September, 1917	889	.....	.....	.....	7.6	12.4	24.4	*27.8	72.2	77.4	22.6	

*Corrected within the month, the firm at fault reducing the number of apprentices to less than 25 per cent. (Pages 36, 37).

**See Order No. 5, July 6, 1917, for additional rates set for learners and minors.

Five and Ten Cent Stores.

The general results observed in the mercantile establishments were reproduced in a greater degree in the 5 and 10 cent stores. The adjustment necessary for full compliance with the Minimum Wage rulings was very much greater than in any other store. In 1914, 95 per cent received under $10; in April, 1917, 91 per cent; while in September they dropped to the required 25 per cent. In 1914, 70 per cent received less than $6. In April, 43 per cent received under $6, and 73 per cent under $7. In September none received less than $6, and only 8 per cent between $6 and $7; whereas 75 per cent received $10 or over. (Page 46.)

Five, Ten and Fifteen Cent Stores.

Full Time Workers.

Wages	1914		April, 1917		Sept., 1917		Cumulative Percent			Official Minimum Based on the Cost of Living*
	Number	Per cent.	Number	Per cent.	Number	Per cent.	1914	April, 1917	Sept., 1917	
Under $4.00	5	1.0	.....	.....	.....	.....	1.0	.....	.....	
$4.00 to $4.99	161	31.5	62	12.1	.....	.....	32.5	12.1	.....	
$5.00 to $5.99	191	37.5	160	31.2	.....	.....	70.0	43.3	.....	
$6.00 to $6.99	79	15.5	154	30.0	43	8.1	85.5	73.3	8.1	
$7.00 to $7.99	23	4.5	58	11.3	14	2.6	90.0	84.6	10.7	
$8.00 to $8.99	15	2.9	19	3.7	74	13.9	92.9	88.3	24.6	
$9.00 to $9.99	8	1.6	15	2.9	2	1.4	94.5	91.2	25.0	$10.00 Sept. 1917
$10.00 to $10.99	10	1.9	15	2.9	345	64.7	96.4	94.1	89.7	
$11.00 to $11.99	5	1.0	5	1.0	13	2.4	97.4	95.1	92.1	
$12.00 and over	12	2.6	25	4.9	42	7.9	2.6	4.9	7.9	
Totals	509	100.0	513	100.0	533	100.0	100.0	100.0	100.0	

(Page 47.)

Before the commission passed the mercantile order, these stores took advantage of the peculiar character of their business. The range of goods was not great compared to large department stores; the system of display common to variety stores made the goods practically self-selling, so there was no call for trained saleswomen. The savings through low wages, however, were partly

* See Order No. 5, July 6, 1917, for additional rates set for learners and minors.

redistributed because of losses through employees, the result of the type of employee who would work for the law wage, combined with the temptation that always accompanies low wages, to make up for the wage if the opportunity arises. Higher wages raise the self-respect of the employees who are retained and make them more dependable, besides attracting a better class of employee.

Though recognizing the need for a change and the benefits to be gained, business, especially in the matter of wages, chooses always to wait until some movement forces the change on all concerns in the same line. The mercantile order became the impelling force that brought up the 5 and 10 cent stores from their widely criticized position of paying low wages to that of paying a living wage. The changes required were more than in other establishments, yet were produced with no more friction, the management displaying a spirit of ready and willing co-operation. (Pages 47-48.)

Effects of the Laundry Order.

Almost 600 establishments in 92 cities of the state reported as employing women to a total of over 6,300. The period of three months [between investigations] is so short that contributory factors that might influence the rate are largely discounted, and any changes are to be credited almost entirely to the orders of the commission. (Pages 58-59.)

As a check on these results, and to ascertain whether all required adjustments had been made, another pay roll was called for in November, 1918, and the rate of pay analyzed. (Page 59.)

Weekly Rates of Time Workers for Identical Establishments, 1914 and 1916, 1916 and 1917, 1917 and 1918.

Per Cent of Women receiving (Cumulative)

City	No. Investigated	Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	$12 and Over	Official Minimum Wage Based on the Cost of Living*
San Francisco—										
1914 (18 establishments)	1,070	.....	.....	.5	31.9	53.2	70.2	80.6	19.4	
1916 (18 establishments)	1,086	.....	.....	.1	32.8	53.8	71.8	80.8	19.2	
1916 (21 establishments)	1,181	.....	.....	.1	34.9	54.8	72.7	81.6	18.4	
1917 (21 establishments)	1,281	.....	.5	.7	1.1	38.6	60.5	75.6	24.4	
1917 (26 establishments)	1,384	.....	.4	.5	.9	39.3	61.4	75.6	24.4	
1918 (26 establishments)	1,428	.....	.....	.1	1.0	16.2	5.7	72.9	27.1	
Oakland—										
1914 (12 establishments)	446	.....	.....	16.6	52.9	68.2	80.1	82.1	17.9	
1916 (12 establishments)	421	.....	.2	14.7	51.3	69.8	80.5	83.6	16.4	
1916 (11 establishments)	403	.....	.2	15.1	15.3	70.4	80.1	83.4	16.6	$10 Jan.,1918
1917 (11 establishments)	410	.....	.....	1.2	17.3	48.8	68.5	76.3	23.7	
1917 (18 establishments)	504	.....	.....	1.8	19.1	47.9	68.1	76.2	23.8	
1918 (18 establishments)	514	.....	.....	.....	7.4	16.9	64.6	74.1	25.9	
Los Angeles—										
1914 (19 establishments)	1,158	.....	11.1	45.9	63.3	80.0	86.7	88.2	11.8	
1916 (19 establishments)	1,307	1.4	10.0	43.5	62.8	80.7	87.4	88.5	11.5	
1916 (19 establishments)	1,307	1.4	10.0	43.5	62.8	80.7	87.4	88.5	11.5	
1917 (19 establishments)	1,357	6.7	12.8	33.1	56.5	75.3	84.6	87.1	12.9	
1917 (31 establishments)	1,704	5.3	11.2	33.1	55.2	74.7	84.1	86.4	13.6	
1918 (31 establishments)	1,762	.....	.2	9.0	23.1	30.8	82.8	86.8	13.2	

*See Order No. 7, Nov. 14, 1917, for additional rates set for learners.

(Page 75, 76.)

Weekly Rate of Wages—October, 1917, January, 1918 (270 Establishments).

Date of Investigation	No. Investigated	Per cent. of Women Receiving (Cumulative)								
		Under $5	Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	Under $13
October, 1917	6,394	0.0	1.5	4.5	16.1	29.4	56.3	71.2	77.0	89.9
January, 1918	6,327	.0	.1	.2	1.6	12.4	22.4	69.2	76.2	86.8
November, 1918	6,259	.....	.....	.1	.7	5.7	10.9	35.9	52.2	70.9

Above Table—continued

Date of Investigation	No. Investigated	Per cent. of Women Receiving (Cumulative)								
		Under $14	Under $15	Under $16	Under $17	Under $18	Under $20	Under $22.50	Under $25	$25 to $35
October, 1917	6,394	92.4	93.5	96.6	97.6	97.9	99.2	99.6	99.7	0.3
January, 1918	6,327	90.7	92.1	96.9	97.2	97.5	99.1	99.5	99.7	.3
November, 1918	6,259	78.9	83.8	90.5	92.9	94.0	97.1	99.2	99.6	.4

(Condensed)

(Pages 60–65.)

California. Industrial Welfare Commission. What California Has Done to Protect Its Women Workers. April, 1921.

It is the practice of the Commission to call for the filing of certified pay roll reports from employers of women in certain industries immediately following the issuance or amendment of wage orders in those industries. The careful checking of these reports frequently necessitates inspection to secure conformance with the orders of the Commission, and the pay roll data is later tabulated, that the Commission may observe and report on the effect of its rulings.

The following tables show the per cent of women and female minors receiving specified weekly rates of pay in the laundry and dry cleaning industry, in the mercantile industry, and in the manufacturing industry. These three industries, employing 57,000 women in 3,250 establishments, are the industries in which women workers are concentrated in the largest employment groups. In the mercantile and laundry industries, pay rolls were obtained under the $10 minimum wage three months before the $13.50 minimum wage was established, so that the effect of the higher minimum on the wages of the women could be studied. In the manufacturing industry, the $10 minimum wage became effective in January, 1919, so that in that industry the pay roll reports filed after the issuance of the three minimum wage orders show clearly the results of these orders. These tables indicate that upon the adoption of a higher minimum wage the per cent of women in the minimum wage group itself is greatly increased, showing that many of the women in the lower paid groups are raised to the minimum. This increase in the per cent of women in the minimum wage group has not been at the expense of women receiving over the minimum, as the per cent of women in these higer paid groups has increased also. (Pages 8-9.)

Manufacturing Industry.

Per Cent of Female Time Workers Receiving Weekly Rates of—

Period	Date	Less than $10.00	$10.00 and less than $13.50	$13.50 and less than $16.00	$16.00 and less than $17.00	Over $17.00	Total	Number of female time workers	Number of establishments
Under $10.00 Minimum Wage Order.....	Jan., 1919	14.8	52.1	18.5	3.7	10.9	100	[1]9,219	674
Under $13.50 Minimum Wage Order.....	Sept., 1919	2.2	24.8	45.8	6.4	20.8	100	[2]13,302	904
Under $16.00 Minimum Wage Order.....	Oct., 1920	0	5.7	13.0	33.1	48.2	100	[3]14,491	1,050

In addition to these time workers—

[1]4,298 piece workers; all experienced piece workers guaranteed the minimum wage.
[2]5,628 piece workers; all experienced piece workers guaranteed the minimum wage.
[3]5,881 piece workers; all experienced piece workers guaranteed the minimum wage.

Laundry Industry.

Per Cent of Female Time Workers Receiving Weekly Rates of—

Period	Date	Less than $10.00	$10.00 and less than $13.50	$13.50 and less than $16.00	$16.00 and less than $17.00	Over $17.00	Total	Number of female time workers	Number of establishments
Under $10.00 Minimum Wage Order.....	May, 1919	5.0	58.8	21.9	3.6	10.7	100	[1]7,315	481
Under $13.50 Minimum Wage Order.....	Aug., 1919	.3	11.9	54.6	8.9	24.3	100	[2]7,982	528
Under $16.00 Minimum Wage Order.....	Aug., 1920	0	2.7	6.7	31.5	59.1	100	[3]7,562	504

In addition to these time workers—

[1]605 piece workers; all experienced piece workers guaranteed the minimum wage.
[2]656 piece workers; all experienced piece workers guaranteed the minimum wage.
[3]347 piece workers; all experienced piece workers guaranteed the minimum wage.

(Page 2.)

Mercantile Industry.

Per Cent of Women and Female Minors Receiving Weekly Rates of—

Period	Date	Less than $10.00	$10.00 and less than $13.50	$13.50 and less than $16.00	$16.00 and less than $17.00	Over $17.00	Total	Number of female time workers	Number of establishments
Under $10.00 Minimum Wage Order.....	Mar., 1919	10.0	46.4	20.9	4.0	18.7	100	21,627	1,336
Under $13.50 Minimum Wage Order.....	July, 1919	0.3	18.8	48.1	5.0	21.8	100	23,088	1,605
Under $16.00 Minimum Wage Order.....	Aug., 1920	.4	5.5	7.2	40.0	46.9	100	28,645	1,710

(Pages 10-11.)

Inspections.

Over 1,600 inspections for the enforcement of the wage and sanitary orders of the Commission have been made in the year and one-half period from July 1, 1919, to January, 1920. The Commission has had during that period the services of eight agents, whose duties included the making of plant inspections and the checking of certified pay roll reports filed with the Commission. During the year and one-half period, 8,500 such reports were filed. Examination of these records brought to light a large number of cases of non-conformance with the minimum wage orders, which only personal inspection by the agents of the Commission could clear. The violations included nonpayment of the minimum wage, an excess number of learners and incorrect payment of apprentices. Over $30,000 has been collected in back wages during the period, as a result of the inspection of these reports and the field inspections by agents of the Commission.

During the canning seasons of 1919-1920, intensive inspection in the fruit and vegetable canneries was necessitated by the fact that the Commission, at the desire of both employees and employers, sanctioned a piece-rate method of payment for the preparation of fruit and vegetables, with the proviso that the piece-rates should yield to two-thirds of the women working upon them, not less than the minimum hourly rate of 33 1/3 cents. The women whose earnings fell below 33 1/3 cents an hour constituted the apprentice group which the Commission limited in this industry, as in others, to one-third of the number of women and female workers.

In order to insure the adequacy of the piece-rates, it was necessary to make a weekly pay roll inspection and audit of all canneries operating on a piece-rate method of payment for the preparation of fruit and vegetables. The credit for the auditing plan is due to the canners' associations of the state, in that their members proposed that they put special investigators in their establishments at their own expenses, to insure the yielding power of

the piece-rates required by the Commission. The Commission could not accept this, but proposed, as an alternative, regional auditors, chosen by the Commission under regulation of the State Civil Service, and directed by and solely responsible to the Commission, to make weekly inspections of the pay rolls of the women cutters in all canneries operating on a piece-rate basis. Funds from which these auditors were to be paid were to be collected by the canners, deposited with the State Treasurer and audited by the State Board of Control, as are all other state funds. This arrangement was accepted by the canners.

During the two canning seasons, 2,775 such audits were made in canneries employing approximately 30,000 women. The increase in wages resulting from the increased piece and time rates established by the Commission, and the further increase of approximately $200,000 found necessary by the weekly pay roll audit, amounted to over $1,000,000. (Page 14.)

Contributed Funds.

Canners' Audit Fund 1919.....	$6,798.91
Canners' Audit Fund 1920.....	6,702.37
California Walnut Growers' Fund..	500.00
	$14,001.28

(Page 6.)

Owing to a lack of funds, the Commission has not been able to call for the filing of certified pay roll reports in the hotel and restaurant industry, fruit and vegetable packing industry, general and professional offices, unclassified occupations and field occupations. The inspections of these occupations have been practically limited to those made necessary by actual complaint, and the great number of women employed have not received the full measure of protection afforded to women workers in the industries in which women are concentrated in large employment groups. (Page 14.)

$130,985.00 recommended budget for Industrial Welfare Commission. [Biennial period.]

$81,387,692.00 recommended budget for all departments of the State of California. [Biennial period.]

The recommended budget for the Industrial Welfare Commission is one-sixteenth of one per cent of the total recommended budget for all departments. (Page 4.)

California. Industrial Welfare Commission. Statement by Katherine Philips Edson, Executive Commissioner. December, 1922.

Shall we return to the conditions existing in 1914 before any minimum wage was set, when 52.9 per cent of the women in the mercantile industry in the state received less than $10 per week and 59.2 per cent of the laundry workers of the state received less than $10 per week. Today, because of the work of the Industrial Welfare Commission, 61 per cent of the women in the mercantile industry receive $17 a week and over, and 63 per cent of the women laundry workers receive $17 per week and over. Besides this, thousands of dollars in back wages are collected by the Commission's agents for helpless women yearly.

4. Peculiar Local Experience.

California. Industrial Welfare Commission. Statement to the Women's Organizations of California on the Present Status of Minimum Wage Legislation in This and Other States. Katherine Philips Edson, Executive Commissioner. April 22, 1922.

On the 11th day of April, 1922, the Industrial Welfare Commission amended its orders in the manufacturing industry, the fruit, vegetable and fish canning industries, the fruit and vegetable packing industry and in certain unskilled occupations by establishing $15 as the minimum wage in those industries. Those voting for the $15 minimum were Mr. A. B. C. Dohrmann, Mr. Henry W. Louis,

and myself, while Mr. Walter G. Mathewson, State Labor Commissioner, voted no. (Page 3.)

The California minimum wage of $16 has been the highest in the manufacturing industry in the United States, and has been maintained the longest. There are but fourteen states in the Union today that have any kind of minimum wage legislation and in only a few are the laws operating and these on a lower wage level. Massachusetts has just reduced its minmum wage from $15.50 to $14.00 and $14.75 in the manufacturing industries. Moreover, the Massachusetts law provides no penalty for violation and is, therefore, a standardizing agency rather than a real law. The District of Columbia's wage in printing, which is the only industry similar to manufacturing, is $15.50, and the law, now in the courts, is inoperative. Kansas has just made a $12 minimum wage. Oregon and Washington have a minimum wage of $13.20 for adult women. Arkansas' minimum is $7.50. Wisconsin's wage is $13.75 for a fifty-five-hour week, or 25 cents an hour. In cities under 5000, the rate is 22 cents per hour. Minnesota's minimum wage is $12 a week. Utah, from which state our heavy competition in the candy industry comes, has a minimum wage of $7.50 a week. (Pages 3-4.)

The whole question of whether or not women can be protected by state action against starvation wages is at stake. If a minimum wage is to remain only stationary, neither going up nor coming down in accordance with changes in the cost of living, then the legislature should enact a minimum wage by statute. It is extravagant to keep a department of industrial welfare unless there is sufficiently elastic power in it to regulate industry honestly and fairly.

There have been reductions of from 10 per cent to 35 per cent in wages all over this country. The Industrial Welfare Commission has been standing squarely against any reduction since February, 1921, when groups of manufacturers and canners first asked relief from the Commission's orders, but at that time the Commission

had not sufficient evidence of a reduction in the cost of living to warrant a reduction in the minimum wage.

The Industrial Welfare Commission has to proceed, under the law, to provide a minimum wage based upon the necessary cost of proper living. That there is a wide divergence in the conception of what constitutes the minimum cost of proper living is evidenced by two of the budgets presented to the Commission for consideration—the $11.78 budget of the California Manufacturers' Association and the budget of $21.20 presented by the California State Federation of Labor and the San Francisco Labor Council as a "proper budget" for a self-dependent woman. The Commission, in the very beginning of its regulation of the minimum wage, realized that in order to determine the minimum cost of proper living, one standard would have to be set and consistently observed. And so, disregarding the type of woman with some means of support, as well as the type of woman with dependents, the Commission adopted as the basis for the fixing of the minimum wage, the wholly self-dependent woman with no dependents.

When evidence was produced showing that the $16 wage was preventing employers from bidding successfully against Eastern competitors for orders, and that there resulted short weeks of work for women—and in many instances, no work—the Commission was faced with the necessity of making it possible for California manufacturers to get orders to provide work for California women. My own desire has been to keep the highest minimum wage that industry can bear consistent with keeping women employed.

The general wage board held on March 30, 1922, consisting of thirteen women workers, seven of whom represented organized women workers, and thirteen employers, passed the following unanimous resolution: "Resolved: That the minimum wage be decided in accordance with a budget that the Industrial Welfare Commission may decide to be fair, considering the present living conditions."

Although investigations into the cost of living had been commenced immediately following the request for a reduction in the minimum, this resolution necessitated a further inquiry. Data gathered in the month of March, 1922, compared with data gathered in investigations throughout the year, showed that a reduction of 6¼ per cent in the minimum wage of $16 would maintain the standards previously established by the $16 minimum in 1920. No fair person can say that $15 today has not as great a purchasing power as $16 had in 1920.

Following are the budgets upon which the Commission based the $16 minimum of 1920 and the $15 minimum of April 11, 1922:

Comparative Estimates of Minimum Cost of Living. 1920-1922.

Item.	Per Year 1920.		Per Year 1922.
Board	$399.63		$365.00
Room	160.92		180.00
Shoes	(2) 17.50	(2)	12.00
Corsets	(2) 7.00	(2)	5.00
Petticoats	(2) 5.00	(2)	4.00
Stockings	(8) 6.00	(8)	4.00
Nightgowns	(3) 5.40	(3)	3.75
Underwear	9.00	bloomers	
		vests	4.25
	(3)	camisoles	3.00
Dress (silk or wool)	(½) 15.00	(½)	12.50
Apron or house dress	3.50		1.50
Coat	(½) 22.50	(½)	15.00
Suit	(½) 20.00	(½)	15.00
Sweater	(½) 3.75	(½)	1.75
Hats	(3) 15.00	(2)	10.00
Gloves	(2) 4.50	(2)	3.00
Handkerchiefs	2.40	(12)	1.20
Kimono	2.00	(½)	1.00
Waists	10.50	1—$4.00	
		2—$2.00	8.00

Item—(Continued).	Per Year 1920.	Per Year 1922.
Rubbers	.85	.85
Repairing shoes	2.50	3.00
Cleaning and repairing clothing	4.00	4.00
Umbrella		(½) 1.00
Carfare	36.50	36.50
Sundries (toilet)	7.50	7.50
Medical and dental	25.00	25.00
Vacation	25.00	25.00
Amusement	12.00	12.00
Laundry	15.00	15.00
Total per year	$837.95	$779.81
Total per week	$16.11	$14.99

Summary of Items.	1920.	1922.
Board and room	$560.55	$545.00
Clothing	156.40	113.81
Sundries	121.00	121.00

Note—Where (½) is shown it indicates one-half the actual cost of a garment which lasts two years.

A careful analysis of these figures will show that an increase of $1.59 a month has been made in the allowance for a room; that the allowance for food is $1.00 a day as against $1.09 in 1920; that the allowance for sundries, including carfare, toilet sundries, medical and dental care, vacation, amusement and laundry, is identical in the two budgets; and that the greatest reduction is shown to be in the cost of clothing. Comparison of the clothing budgets of 1920 and 1922 will show further that with two exceptions (three hats included in the 1920 budget, two in 1922; one kimono a year in 1920, one kimono to be used for two years in 1922), the standard established by the 1920 budget is maintained with regard to quantity of garments. With regard to quality, garments purchasable today on a minimum budget are superior to those obtainable in 1920.

Of the original Commission of five members appointed in 1913, three members are still serving. Briefly, the Commission has been able to accomplish these results for the working women of the State.

Progress is being made in the maintenance of a high sanitary standard in factories, canneries, laundries and stores, insuring the health and comfort of the women workers. The most notable achievement in this direction has been the adequate seating of the 30,000 women employed in the fruit and vegetable canning industry, where long hours of standing formerly made this occupation an exhausting one.

Secondly, limitation of the hours worked in further limitation of the eight-hour law for women. High overtime rates in the vegetable and fish canning industries and in the fruit and vegetable packing industries have automatically eliminated the 12 to 17-hour working days which were once considered a necessity in the canning industry. A day of rest has been provided for women employed more than six hours a day in hotels and restaurants.

The establishment of a minimum wage of $10 in 1917, $13.50 in 1919 and $16 in 1920, was based on careful investigations into the cost of living. The effect of each minimum wage ruling has been to immediately decrease the number of women receiving less than the minimum established, at the same time increasing the number of women receiving the minimum, while the number of women receiving over the minimum has also increased. In 1914, before this Commission made any rulings, 69 per cent of the women workers in the mercantile industry received less than $12.00 a week, and only 31 per cent received $12.00 and over. At the present time, 2.5 per cent—and these are minor workers—receive less than $12 a week, and 86.9 per cent receive $16 a week and over. In the laundry industry in 1914, 81.4 per cent of the women workers received less than $12 a week, including the organized women in San Francisco. Today, not a woman or minor laundry worker in the State receives

less than $12 a week and 90.6 per cent receive $16 a week and over. In the manufacturing industries in October, 1920, 6-10ths of 1 per cent of the women and minor workers received less than $12 a week and 81.3 per cent received $16 a week and over. (Pages 4-5-6-7.)

Colorado.

(1) Peculiar Local Experience.

Colorado. Industrial Commission. Fifth Report. Year Ending December 1, 1921.

Colorado Minimum Wage Law for Women and Minors.

In its Fourth Report, covering the year ending November 30, 1920, the Industrial Commission recommended to the Legislature that an adequate appropriation be made to permit the Commission to put the Minimum Wage Law into effective operation. The Act as passed provided a secretary, but made no provision for other employees or expenses and no provision has since been made, although the recommendations of the Commission were approved by the Budget Commissioner. The department will be unable to do any effective work until proper provision is made for its necessary expenses. (Page 145.)

Governor Sweet of Colorado. Inaugural Address. Senate Journal. January 9, 1923.

The law providing for a minimum wage for women passed ten years ago and never enforced should be made effective by an appropriation sufficient for inquiry into the wages of women. (Page 16.)

Efforts to Repeal Law Have Failed.

U. S. Department of Labor. Women's Bureau. News Letter No. 4. May 24, 1921.

Bills were also introduced to repeal the minimum wage law and to transfer the State Labor Department from the office of the Secretary of State to the Industrial Commission. Both of these measures were defeated.

Kansas.

1. Minimum Wage Orders. [Summarized.]

No. 9. *Telephone Operators.* Effective September 5, 1918. In exchanges serving communities of less than 1000 population: experienced females $7; learners, 6 months at $6, 6 months at $6.50. Exchanges serving 1000 to 5000: experienced females $7.50; learners, 6 months at $6, 6 months at $7. Exchanges serving 5000 to 20,000: experienced females, $8; learners, 6 months at $6, 6 months at $7. Exchanges serving 20,000 and over: experienced females, $9; learners, 1 month at $6.50, 5 months at $7, 6 months at $8. Time in excess of 8 hours at 1½ the rates.

No. 12. *Laundries.* Effective July 19, 1922. Experienced women and minors, $11. Learners: 3 months at $7.50, 3 months at $9. Overtime: maximum 2½ hours per week beyond 49½ hours, at time and one-half. Laundry not furnishing full week's work shall pay full minimum wage, provided employee avails herself of full working time offered.

No. 13. *Manufacturing.* Effective July 19, 1922. Experienced women and minors (over 16), $11. Learners and minors (also male): 3 months at $7.50, 3 months at $9; except garment factories and other industries operating on piece-work basis, where learner is handling materials subject to possible injury and loss and where average speed must be developed, first month at $6.50; except in millinery and dressmaking, 4 months at $6.50, 4 months at $7.50, 9 months at $9. Overtime: maximum 4½ hours per week beyond 49½ hours, at time and one-half.

Piece Rates.

The weekly earnings shall net the minimum wage provided the employee has availed herself of all work offered.

No. 14. *Mercantile.* Effective July 19, 1922. Experienced woman or minor (over 16), $10.50. Learners, two months at $7.50, 4 months at $8, 6 months at $9. Minors (under 18), two months at $6, 4 months at $8, 6 months at $9. No more than 20 per cent learners and minors in any one establishment.

2. Wage Investigations and Minimum Ordered.

Kansas. Industrial Welfare Commission. First Biennial Report. 1915-1917.

This investigation proved to the Commission that a substantial number of women workers in laundries were working for inadequate wages, that they were not receiving a sufficient amount to enable them to have proper food and clothing, to make any provision for health or recreation, or to allow them to properly house themselves. (Page 24.)

[Analysis] shows that 64 per cent of all the full-time workers [770] in laundries work fifty-four hours per week or longer, while 25 per cent work sixty to seventy-two hours per week. Notwithstanding the long hours, the wages in many of the laundries are very low. A fraction over 29 per cent receive less than $6 per week. More than 52 per cent receive between $6 and $8, which means that about 82 per cent of all the laundry workers receive $8 or less per week, the majority of them ranging from $5 to $7. (Page 18.)

In the mercantile establishments listed in Table No. 8, wages and hours of 1,625 women employees are given; 26 per cent receive under $6 a week; 28 per cent receive $6 a week and over, but under $8; 28 per cent are shown to receive $8 and over, but under $12; and but 18 per cent are shown to receive $12 and over. More than 40 per cent receive less than $7 per week. Out of 1,625 girls, 1,003 receive under $9 a week. (Page 29.)

The inspector visited almost every five and ten cent store in the state and accurate investigation on 303

employees was secured. The tables show that of the number investigated, 87 per cent receive less than $6 a week; that 51 per cent receive less than $5; more of them receive $4 or $4.50 per week. (Page 32.)

Wages for Women

Industries	No. Investigated	Number of Women with Rate of—												Official Minimum Wage Based on the cost of Living
		Under $3	$3 and under $4	$4 and under $5	$5 and under $6	$6 and under $7	$7 and under $8	$8 and under $9	$9 and under $10	$10 and under $12	$12 and under $15	$15 and under $20	$20 and over	
Laundries, 1st class cities	565	2	11	38	106	176	120	51	24	24	8	4	1	$8.50* May 14, 1918
Laundries, 2d class cities	205	1	10	16	42	66	43	13	2	6	3	3	....	
Mercantile, 1st class cities	1,023	3	20	46	108	179	128	133	71	116	85	93	41	
Mercantile, 2d class cities	529	1	9	12	59	70	68	71	37	75	69	54	24	
5 and 10 cent stores, 1st class cities	225	3	10	111	71	13	8	3	2	2	1	....	....	$8.50** Mch. 18, 1918
5 and 10 cent stores, 2d class cities	69	....	3	36	22	5	3	....	....	....	....	....	....	

(Compiled.) (Pages 19, 30, 31, 33.)

*See Order No. 7, March 14, 1918, for additional rates for learners.
**See Order No. 6, January 16, 1918, for additional rates for learners and minors.

Minimum Wage Study. Ohio Council on Women and Children in Industry. 1920.

Linna Bressette, Secretary Kansas Industrial Welfare Commission:

The working women have been very appreciative of this legislation. While the minimum wage set in Kansas is very low, it is surprising the amount of good which has been accomplished among the women workers. (Pages 26-27.)

(3) Reinvestigations for Compliance with Minimum Ordered.

Kansas. Court of Industrial Relations. Second Annual Report. Year Ending December 31, 1921.

Industrial Statistics Relating to Employment of Women and Children in Industries of Twenty-One Cities.

Cities	Total industries	Women employees	Children under 16 years	Average hours per day women	Average wage per hour, women office	Average wage per hour, women plant	Average wage per week, women office	Average wage per week, women plant	Official Minimum Wage Based on the Cost of Living
Arkansas City	58	113	0	8 5/12	$0.35	$0.25	$17.68	$12.63	
Atchison	65	190	4	8 5/21	39	26	18.26	12.86	
Chanute	57	83	0	8 4/15	37	27	18.34	13.38	
Cherryvale	23	20	0	9 1/4	42	39	23.31	21.64	
Coffeyville	63	94	1	8	42	29	20.16	13.96	
El Dorado	38	56	0	8	45	27	21.60	12.94	
Emporia	47	103	3	8	40	29	19.20	13.96	
Fort Scott	51	130	0	7 11/12	40	37	19.00	17.57	$11.00
Hutchinson	99	340	7	8 7/24	43	34	21.39	16.98	Feb. 21. 1919
Independence	55	75	0	8 3/10	34 7/12	27 2/7	17.29	13.64	
Iola	42	163	0	8 1/100	36	26	17.28	12.48	
Kansas City	188	1,525	11	8 1/4	46	36	22.27	17.43	
Lawrence	36	132	2	8 1/3	42	30	21.00	15.00	
Leavenworth	53	120	3	8 2/10	31 8/13	27 4/5	15.80	13.90	
Newton	39	96	0	8 1/12	37	32	17.34	15.52	
Parsons	62	124	0	8	39	32	18.72	15.36	
Pittsburg	75	166	0	8	43	30	20.64	14.40	
Salina	72	224	0	8	37	32	17.76	15.36	
Topeka	164	747	17	7 1/7	43 13/24	36 11/25	20.82	17.46	
Wichita	247	1,109	1	8 1/11	48	37	23.28	17.94	
Winfield	43	91	2	8 5/12	38	30	19.19	15.15	
Totals for 21 cities	1,577	5,703	54	8 5/21	40	31	$19.77	$15.32	

(Page 92.)

(4) Peculiar Local Experience.

Minimum Wage Study. Ohio Council on Women and Children in Industry. 1920.

Linna Bresette, Secretary Kansas Industrial Welfare Commission:

Our latest wage decree was a factory order, establishing an 8 hour basic day and an $11 minimum wage. It is being fought by one of the employers in the State, with the backing of the Associated Industries. We have temporarily been enjoined from enforcing this order, and therefore can do very little with that order until such time as the court renders a decision.

The working women have been very appreciative of this legislation. While the minimum wage set in Kansas is very low, it is surprising the amount of good which has been accomplished among the women workers. (Pages 26-27.)

Kansas. Court of Industrial Relations. Women's Division. Cost of Living Survey of the Wage Earning Women of the State of Kansas. August 31, 1921.

In 1915 the legislature of Kansas passed a law known as the Industrial Welfare Commission act. This act provided, "That it shall be unlawful to employ women, learners and apprentices and minors in any industry or occupation within the state of Kansas under conditions of labor detrimental to their health or welfare and . . . at wages which are not adequate for their maintenance." (Chapter 275, Session Laws of 1915.)

The administration of this act was by a Commission appointed by the governor, but the law provided that the Commission could make no orders except upon recommendation of a board established for the purpose. This board was composed of representatives of employers of the occupation in question, representatives of employees, and at least one representative of the public.

No wage was ever recommended to the Commission that exceeded $11 a week, after six months of service.

The legislature of 1921 abolished the Industrial Welfare Commission and transferred its activities to the Court of Industrial Relations. The new law provided, "That all orders and rules heretofore made by the Industrial Welfare Commission, and now in force, shall continue in force until the same may be changed or repealed by the Court of Industrial Relations."

In outlining a program for the women's work the court decided to review and revise, where necessary, all orders heretofore made by the Commission.

Kansas. Court of Industrial Relations. Second Annual Report. Year Ending December 31, 1921.

Women's Work under the Industrial Welfare Commission.

The work of the Industrial Welfare Commission from December, 1920, to the time of the abolition of the commission and the transfer of these powers and duties to the Court of Industrial Relations was very largely a continuation of the hour and wage survey which was made in Kansas during the months of June, July, August and September of 1920 by the commission in co-operation with the Women's Bureau of the United States Department of Labor. (Page 85.)

Earnings.

Hourly. Records of hourly earnings were secured from 61 firms employing 1,602 women. Less than 26 cents an hour was earned by 28.7 per cent of these women. From 26 to 36 cents an hour was earned by 24.7 per cent. From 36 to 50 cents an hour was earned by 36.2 per cent. Fifty cents or more an hour was earned by 10.4 per cent of the women.

Less than 26 cents an hour, or $2.08 for an 8-hour day, was the rate of pay for 97 per cent of the women in the

5 and 10 cent stores, 76.5 per cent of the telephone operators, 74.6 per cent of the laundry workers, 65.4 per cent of the general mercantile workers, 64.7 per cent of those employed in other food manufacturing and 45.3 per cent of the women who worked in clothing manufacturing. In the 5 and 10 cent stores no woman in the group for whom records were secured earned as much as 28 cents an hour.

Weekly. Pay roll data showing weekly earnings was secured from 4,307 women. In this group more than one-half were receiving under $12 a week. Ten per cent were receiving less than $8, 19.9 per cent were receiving less than $9, and 30.4 per cent were receiving less than $10 a week.

In all industries except restaurants the median weekly earnings for women were:

In cities of the first class	$14.25
In cities of the second class	10.50
In cities of the third class	10.00
In cities of the fourth class	10.85

In restaurants the median weekly earnings for women were:

In cities of the first class	$10.20
In cities of the second class	10.45
In cities of the third class	10.30
In cities of the fourth class	7.50

For all the industries in all the cities and towns investigated the median weekly earnings were $11.95.

By industries the median weekly earnings were:

Meat packing	$17.50
Office	13.55
Miscellaneous manufacturing	12.70
General mercantile	11.95
Clothing manufacture	11.75
Telephones	10.80
Poultry packing	10.70

Laundries	10.50
Other food manufacturing	10.15
5 and 10 cent stores	8.10

(Pages 85-86.)

Regulations.

Order No. 11. Order No. 11, known as the factory order, regulating employment of women in manufacturing establishments, which had gone into effect about May 23, 1920, was almost immediately held up by an injunction instituted by the Hanna Poultry Company, of Goff, Kan. The case, after many postponements, was set for the December term of the district court at Hiawatha and was heard December 3, 1920, by Judge Stewart. The injunction was sustained and made permanent. The decision was not based on the constitutionality of the industrial welfare law nor upon the reasonableness of the order affecting women employees in factories, but entirely upon the fact that the method of procedure in promulgating the order was not fully in accordance with that prescribed by the industrial welfare law.

The question then arose in regard to the status of order No. 10, the original factory order. This order had been passed February 21, 1919, but had been voluntarily set aside for the amended order No. 11. This question remained unsettled until after this work had been placed under the Court of Industrial Relations. The judges of the court then took the stand that order No. 10 should be considered in effect until such time as a new order could be established.

The factory employers had been promised that consideration would be given to a classification of industries upon which some differences in the orders might be based.

The status of the factory ruling made inspection work very difficult in factories, and the lack of a regular inspector for the industrial welfare work made inspection work in stores, restaurants and other employments very

irregular. No statistics for this period were compiled. (Page 87.)

Consolidation of the Industrial Welfare Commission and Department of Labor with the Court of Industrial Relations.

After the passage of the act of the legislature of 1921, abolishing the Industrial Welfare Commission and consolidating these administrative and legislative powers and duties under the Court of Industrial Relations, it was necessary to find out clearly where the women's work stood under the new organization.

The important powers of the Industrial Welfare Commission were left intact under the court, and all regulations established by the Commission remained in effect. A director of women's work was decided upon. . . . (Page 88.)

[A cost of living] survey was made during the months of June and July of 1921 and was considered a continuation of the investigation of the previous summer. (Page 89.) [The cost of living was found to be $880.36 a year and $16.93 a week]. (Page 91.)

Inspection Work.

A compilation of inspections made by the factory-inspection division of the court covering employment, hour and wage conditions of women in factories and laundries in twenty-one cities of Kansas is shown in the accompanying table.

This table covers only industrial workers in factories, workshops and laundries in the state, and office workers included in the pay rolls submitted by these establishments. (Page 91.)

Wages per week in this table are also average wages based upon a six-day week and the average hours per week in each community. They are of value in comparing general wage conditions, but are of little value in checking up on minimum-wage conditions, due to the

fact that violations of the minimum-wage orders generally occur in a few low-paying industries. (Page 91.)

In the interest of fairness to both the employer and the employee, it was thought necessary to reopen all orders affecting women wage earners which had been established by the Industrial Welfare Commission. (Page 93.)

Necessity of postponement of the hearings until February, 1922, delayed immediate revision of the orders affecting women wage earners. (Page 93.)

Testimony of Alice K. McFarland, Director of Women's Work, Industrial Court. Given in the District Court, Shawnee County, Topeka, Kansas. September 16, 1922.

A. I consider that [the wages and hours survey of the Women's Bureau of the U. S. Department of Labor] represents the present situation in Kansas, due to the fact that the survey was made when wages were apparently at the peak and cost of living was slightly declining.

Q. So, can you state from the records in your office, Miss McFarland, and from your own experience, whether the wages paid to the women, paid in Kansas, are higher or lower than shown in this survey?

A. Lower. (Page 9.)

Q. Miss McFarland, aside from this survey do you frequently have called to your attention places where girls are living under unhealthful or immoral conditions on account of inadequate wages?

A. Yes.

Q. Have you had such conditions called to your attention within the last six months?

A. Yes, in a number of cases. (Page 12.)

Kansas. Court of Industrial Relations. Official Statement. October, 1922.

On September 30th, 1922, Judge Whitcomb of the District Court of Shawnee County, Kansas, handed down two decisions which sustained in every respect the

validity of Ind. Wel. Order No. 12 known as the Laundry Order, and Ind. Wel. Order No. 13 known as the Manufacturing Order, which Orders were entered by the Court of Industrial Relations on May 19th, 1922. These Orders fixed a minimum wage of $11.00 per week and maximum hours of 49½ hours per week for women and minors in laundries and manufacturing plants in the State of Kansas.

Suits were filed by the Topeka Laundry Company and the Topeka Packing Company, as representatives of the Associated Industries, to set aside these Orders. Temporary restraining orders were granted by Judge McClure on July 26th, 1922, on the condition that the moneys due the employees under these Orders be deposited with the Clerk of the District Court pending the final decision. A large number of laundries and manufacturing plants intervened in these cases and made deposits in accordance with the restraining orders. Motions have now been filed to return this money to the employees by whom it was earned.

In these cases the plaintiffs contended that there was no evidence before the Court of Industrial Relations to sustain the finding of that court that the wages, hours, and working conditions in these industries were prejudicial to the health and welfare of a substantial number of employees. The Court of Industrial Relations showed, at the trial of these cases, that extensive surveys had been made by the state in conjunction with the federal government of the wages, hours, and working conditions of women and minors in Kansas, as well as the cost of living, and that these surveys showed that a large number of women were receiving inadequate wages and that many were living in unhealthful conditions on account of the failure of their employers to pay a living wage. In his decision, Judge Whitcomb upheld the results of these surveys in every respect.

No suits were filed to test the validity of the Mercantile and Public Housekeeping Orders, which were issued at the same time and have been in effect since July 19, 1922.

Massachusetts.

1. Minimum Wage Orders. [Summarized.]

No. 8. *Retail Millinery.* Effective August 1, 1918. Experienced workers (over 19), $10. Learners less than 1 season (12 weeks), at $3, after 1 season at $4.50, after 2 seasons at $6, after $3 seasons at $7.50. Minors, less than 1 season $3, after 1 season $4.50.

No. 9. *Wholesale Millinery.* Effective January 1, 1919. Experienced females (over 18), $11. Learners and minors less than 21 weeks' experience at $6, after 21 weeks at $7, after 42 weeks at $8, after 63rd week until 84th week at $9.

No. 11. *Candy.* Effective January 1, 1920. Experienced females, $12.50. Learners, 67 weeks within a period of 78 weeks, at $8.

No. 12. *Canning and Preserving.* Effective September 1, 1919. Experienced females (over 18), $11. Learners, 40 weeks at $8.50. Minors, $8.50.

No. 13. *Corsets.* Effective March 1, 1920. Experienced females (over 17), $13. Learners, 1 year at $10. Minors (under 17), $8.

No. 14. *Men's Clothing and Raincoat.* Effective February 1, 1920. Experienced females, $15. Learners, 3 months at $7, 9 months at $10.

No. 15. *Knit Goods* (except staple lines of hosiery and underwear). Effective July 1, 1920. Experienced females, $13.75. Learners, 40 weeks at $8.50.

No. 17. *Paper Box.* Effective July 1, 1920. Experienced females, $15.50. Learners, over 16 years, 9 months at $11; under 16 years, 9 months at $9.

No. 18. *Office and Building Cleaners.* Effective February 1, 1921. All females, $15.40 per week or 37c per hour. Full time employment means 40 hours a week.

No. 19. *Minor Lines of Confectionery and Food Preparations.* Effective November 1, 1921. Experienced females: over 16, $12; under 16, $9. Learners: over 16, 3 months at $10; under 16, 9 months at $8.

No. 20. *Paper Box.* Effective May 15, 1922. Experienced females: over 18, $13.50; under 18, $12. Learners: over 18, $10; under 18, $8.50.

No. 21. *Women's Clothing.* Effective May 15, 1922. Experienced females: over 18, $14; under 18, $9. Learners: over 18, 18 months at $11; under 18, at $9.

No. 22. *Muslin Underwear, Petticoat, Apron, Kimono, House Dress, Women's Neckwear and Children's Clothing.* Effective June 1, 1922. Experienced females: over 16, $13.75; under 16, $12. Learners: over 16, 13 weeks at $8, thirteen weeks at $10, 26 weeks at $12 (26 weeks shall have been spent in present employer's shop before $13.75 is paid); under 16, 26 weeks at $7.50, 26 weeks at $10, and $12 thereafter until 16 years old.

No. 23. *Men's Furnishings.* Effective June 1, 1922. Experienced females: over 16, $13.75; under 16, $12. Learners: over 16, 13 weeks at $9, 13 weeks at $10, 26 weeks at $12; under 16, 26 weeks at $8, 26 weeks at $12, and $12 thereafter until 16 years old.

No. 24. *Retail Store.* Effective June 1, 1922. Experienced females: over 18, $14; under 18, $12. Learners, one year at $10, thereafter $12 until 18 years old.

No. 25. *Laundry.* Effective July 1, 1922. Experienced females, $13.50. Learners, 3 months at $11, 2 months at $12.50.

General Recommendation for All Occupations.

To assist employers in carrying out the provisions of the decree with regard to experience, the Commission recommends that a female employee on leaving her employment in any establishment receive a card showing the time she has worked in that establishment.

(2) Wage Investigations and Minimum Wages Ordered.

Massachusetts. Minimum Wage Commission. Bulletins from Dec., 1916, to May, 1918.

Weekly Earnings of Women

Industries	No. Investigated	Percent. of Women Earning (Cumulative)—							Official Minimum Wages Based on Minimum Cost of Living and Financial Condition of the Industry*
		Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and Over	
Men's Clothing	1,132	9.7	23.1	42.8	62.1	78.1	86.3	13.7	$9.00 Jan., 1918
Raincoat	626	8.1	18.8	36.6	52.4	65.0	79.9	20.1	
Men's furnishing goods	2,658	11.2	23.9	37.7	56.1	71.9	84.2	15.8	$9.00 Feb., 1918
Muslin underwear, etc.	2,481	15.0	29.1	48.2	65.6	80.2	89.1	10.9	$9.00 Aug., 1918
Office and other building cleaners	859	3.7	19.7	20.6	27.9	78.1	94.4	5.6	30c. an hour at night 26c. an hour by day, Apr., 1919

(Compiled) (Bulletins No. 13, pp. 28, 29, 51 and 52; No. 14, p. 22; No. 15, p. 33; No. 16, p. 13)

*See Decrees, No. 5, Aug. 31, 1917; No. 6, Oct. 26, 1917; No. 7, July 1, 1918, for additional rates for earners and minors.

Massachusetts Minimum Wage Commission. Bulletin No. 20. Report on the Wages of Women in the Millinery Industry. May, 1919.

Weekly Earnings of Women

Industries	No. Investigated	Percent. of Women Earning (Cumulative)—														Official Minimum Wages Based on Minimum Cost of Living and Financial Condition of the Industry*
		Under $3	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	Under $13	Under $14	Under $15	$15 and over	
Retail Millinery	351	6.8	11.7	20.2	24.8	03.5	39.0	55.8	67.8	78.1	84.0	86.3	88.0	89.5	10.5	$10.00 Aug., 1918
Straw Hats	938	.5	2.1	5.3	11.8	20.4	28.9	36.7	45.9	56.2	64.6	72.7	80.6	86.7	13.3	
Flowers and feathers	182	8.8	26.4	47.3	62.1	77.5	84.1	89.0	95.1	97.3	99.5	99.5	100.0	100.0	....	$11.00 Jan., 1919
Wholesale Millinery	393	1.0	4.8	10.2	23.4	34.4	48.8	61.1	72.0	78.1	84.5	90.1	94.6	96.7	3.3	

(Compiled) (Pages 35, 36, 37)

*See Decrees No. 8, July 1, 1918; and No. 9, Nov. 30, 1918, for additional rates for earners and minors.

Massachusetts. Minimum Wage Commission. Bulletin No. 19. Wages of Women Employed in Canning and Preserving Establishments in Massachusetts, March, 1919. Bulletin No. 18. Supplementary Report on the Wages of Women in Candy Factories in Massachusetts, January, 1919.

Weekly Earnings of Women

Industries	No. Investigated	Percent. of Women Earning (Cumulative)— Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	$12 and over	Official Minimum Wages Based on Minimum Cost of Living and Financial Condition of the Industry*
Canning and Preserving	660	8.8	16.1	28.5	47.6	69.7	89.2	96.8	3.2**	.....	.....	$11.00 Sept. 1, 1919
Candy	1,071	2.1	6.6	17.6	31.1	45.1	62.8	76.7	85.1	91.3	8.7	$12.50 Jan. 1, 1920

(Compiled.) (Bulletin 18, p. 25; Bulletin 19, p. 25.)

*See Decrees No. 11, July 19, 1919; and No. 12, July 21, 1919, for additional rates for learners and minor
**Earned $10 and over.

Massachusetts. Minimum Wage Commission, January, 1920. Seventh Annual Report, 1919.

Weekly Earnings of Women

Industries	No. Investigated	Per cent. of Women Earning (Cumulative)— Under $5	Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	Under $13	Under $14	Under $15	$15 and over	Official Minimum Wage Based on Minimum Cost of Living and Condition of the Industry*
Corsets	1,361	5.4	10.4	16.9	27.6	36.8	47.6	57.5	67.1	76.0	83.3	89.6	10.4	$13.00 Mar 1, 1920
Paper box	1,054	5.3	8.5	15.7	26.9	39.0	48.5	59.4	68.2	77.2	83.3	89.3	10.7	$15.50 July 1, 1920
Knit goods	344	3.8	8.1	15.7	25.0	35.8	45.3	57.6	67.2	76.7	85.8	90.1	9.9	$13.75 July 1, 1920
Minor Confectionery products and food preparations	525	3.7	9.2	16.0	25.6	40.4	50.1	62.6	72.9	82.5	90.3	92.7	7.3	$12.00 Nov. 1, 1921

(Computed from pages 17, 21, 24, and 30.)

*See Decrees No. 13, No. 15, March 13, 1920; No. 17, May 26, 1920; No. 19, Nov. 1, 1921, for additional rates for learners and minors.

Massachusetts. Department of Labor and Industries Division of Minimum Wage. Bulletin No. 22. Second Report on the Wages of Women Employed in Paper Box Factories. September, 1920.

Method and Scope of the Present Investigation.

The first investigation was made in the months of February, March, and April, 1915, and covered the fifty-two weeks' period from February, 1914, through January, 1915. The present investigation is based on pay-roll records from 16 of the 24 establishments included in the former study, and covers the four months' period, October, 1918, through January, 1919. This includes what in normal times is the rush season and the beginning of the slack season in the trade. (Page 7.)

In comparing rates and earnings in the following sections, three wage classes are considered: those receiving less than $9 a week, representing the lowest rates and earnings; those receiving $12 a week, the medium wage class; and those receiving $15 a week and over, including all with the highest rates and earnings. These groups correspond roughly to the $5, $7, and $9 groups shown in the previous study[2] of the industry made by the Commission. (Page 13.)

Cutting and punching, processes generally performed by men, are apparently the highest paid operations upon which women are employed. Approximately one-third of the women operating cutting and punching machines were making $15 a week and over. The lowest paid occupations, according to the earnings of the workers, are helping, closing and inspecting, and gluing off. The majority of these workers are young girls, and a considerable proportion are beginners. From one-half to three-fourths of those in this group were receiving less than $9 a week. With the exception of a very few helpers and inspectors, none had earnings as high as $15 a week (Tables 1 (*a*) and (*b*)). (Page 14.)

Of the entire number of women and girls for whom wage data were available, 1,054 (68.2 per cent) earned less than $12 a week. Of the adult workers, those 18

years of age and over, 54.0 per cent earned less than $12; while of those with one or more years of experience in the industry, 49.1 per cent earned less than that amount. Nearly three-fifths (58.8 per cent) of the women averaging from 46 to 54 hours per week, approximately full-time employment, received less than $12.

Compared with the previous investigation, that of 1914, the wage situation, as it affects the workers, appears but slightly more favorable than five years ago. (Page 18.)

Massachusetts Department of Labor and Industries. Division of Minimum Wage. Bulletin No. 22. Second Report on the Wages of Women Employed in Paper Box Factories. September, 1920.

Hours of Labor and Earnings.

Average weekly earnings of 634 women in relation to their hours of employment are shown in Table 4. Considerable irregularity is indicated in the number of hours worked per week by the different women. The majority of those receiving less than $9 a week were working on the average less than 42 hours. On the other hand, nearly two-thirds of those averaging 46 hours and over, representing approximately full-time employment, were receiving less than $12, a situation indicating that the time worked is not necessarily the determining factor in the matter of earnings. This is further illustrated by Table 5, showing variations in the average number of hours worked per week in the several establishments. In establishment No. 2, one-third of the women work on the average less than 42 hours a week; while in establishment No. 13, more than nine-tenths worked over 42 hours per week. Yet comparison of the actual earnings of the employees in the two establishments (Table 2) shows that only one-fifth of the employees in the first earned less than $9 a week; while nearly one-half of those in the second earned less than that amount. (Page 17.)

TABLE 1 (*b*).—Average Weekly Earnings of 1,054 Women employed in 16 Paper-Box Factories in Massachusetts: by Occupations (Cumulative).

(Based on pay-roll records for the period October, 1918—January, 1919)

Occupations	Per Cent of Workers Earning—												Official Minimum Wage Based on Minimum Cost of Living and Financial Condition of the Industry*
	Under $5	Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	Under $13	Under $14	Under $15	$15 and Over	
Helping	13.5	19.5	29.5	48.0	70.0	78.5	87.0	89.0	92.0	94.0	96.0	4.0	
Bench work	1.0	4.1	10.8	21.6	29.4	36.1	51.0	61.3	71.6	78.9	85.1	14.9	
Stripping	3.1	3.1	8.7	15.7	26.0	31.5	38.6	53.5	70.9	79.5	86.6	13.4	
Gluing off	8.0	12.6	17.2	31.0	49.4	71.3	78.2	88.5	94.3	97.7	100.0	....	
Machine covering	1.3	1.3	5.2	10.5	21.1	30.3	39.5	48.7	60.5	71.1	81.6	18.4	
Closing and inspecting	3.6	3.6	23.0	46.4	55.4	64.3	78.6	85.7	89.3	91.1	96.4	3.6	
Bundling and packing	5.0	15.0	27.5	32.5	32.5	40.0	45.0	52.5	65.0	75.0	80.0	20.0	
Staying	2.7	5.4	5.4	10.8	16.2	27.0	35.1	45.9	62.2	81.1	91.9	8.1	
Hand folding	5.6	8.3	8.3	19.4	33.3	44.4	63.9	72.2	75.0	77.8	88.9	11.1	
Labeling	....	....	9.4	21.9	28.1	34.4	43.8	50.0	71.9	81.3	84.4	15.6	$15.50 July, 1920
Topping	....	4.0	4.0	8.0	12.0	16.0	36.0	44.0	68.0	72.0	84.0	16.0	
Cutting	....	....	4.5	9.1	13.6	27.3	40.9	40.9	49.5	59.1	72.7	27.3	
Turning-in and lacing	....	6.7	6.7	6.7	20.0	40.0	66.7	93.3	93.3	93.3	100.0	....	
Punching	8.3	8.3	8.3	16.7	16.7	16.7	25.0	25.0	58.3	58.3	66.7	33.3	
Miscellaneous	7.4	11.6	20.0	28.4	42.1	54.7	66.3	78.9	80.0	84.2	90.5	9.5	
Total	5.3	8.5	15.7	26.9	39.0	48.5	59.4	68.2	77.2	83.3	89.3	10.7	

*See Order No. 17, July 1, 1920 for additional rates for learners.

(Page 21.)

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. Bulletin No. 23. Report on the Wages of Women Employed in the Manufacture of Food Preparations and Minor Lines of Confectionery. November, 1920.

In minor confectionery establishments women shell and blanch nuts, wrap and pack candy and nuts, and, in gum factories, break and wrap gum. The greater part of the work is simple hand work. A few machine processes are, however, involved. Gum and some kinds of candy are wrapped by machinery. Filling bags is usually done by the aid of simple machinery. Except where a girl is required to repair a wrapping machine as well as tend it, all of the work is unskilled. (Page 10.)

The time covered by the study is the four-month period from June through September, 1919, in the case of minor confectionery, and from July through October, 1919, in the case of food preparations. (Page 7.)

The earnings of the workers in the two branches are presented separately. In food preparation establishments the earnings of the women are somewhat higher than in the minor confectionery plants. Thus, while one-third (31.4 per cent) of the women in food preparations were receiving under $9 a week, two-thirds (62.4 per cent) under $12, and one-tenth (11.1 per cent) $15 or over a week, in minor confectionery nearly one-half (48.7 per cent) received under $9, four-fifths (82.5 per cent) under $12, and only 3.8 per cent $15 or over a week. (Page 11.)

Summary of Analysis.

Of the entire number of women for whom wage data were available, almost three-fourths (72.9 per cent) had actual earnings that averaged less than $12 a week. The earnings for adult workers, those 18 years of age and over, are substantially the same, 71.2 per cent receiving less than $12. Of those on time rates, 53.3 per cent of all, and 47.9 per cent of the adult women, were scheduled to receive less than $12. And of those with one year's

experience or more in the occupation, 46.8 per cent were earning less than this amount. Wages in food preparation establishments are slightly higher than in minor confectionery. In both branches, however, the level of earnings is low. (Page 14.)

Weekly Rates of Women* for 1919

Industries	No. Investigated	Per Cent. of Women with Rates of (Cumulative)—											Official Minimum Wages Based on Minimum Cost of Living and Financia Condition of the Industr[illegible]
		Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	Under $13	Under $14	Under $15	$15 and over	
Minor Confectionery....	131	....	1.5	2.3	3.8	18.3	22.9	25.2	39.7	48.1	55.0	45.0	
Food Preparation.....	224	.4	.4	.9	9.4	34.4	42.9	46.4	56.3	62.1	78.6	21.4	$12.00 Nov. 1, 1921
Flavoring Extract.....	142	....	....	....	....	12.0	59.9	71.8	79.6	81.7	83.1	16.9	

**Over 18 years old.
*See Order No. 19 for additional rates for learners.

(Condensed) (Pages 39-41.)

U. S. Department of Labor. Women's Bureau. News Letter No. 20. January 23, 1923.

Minimum Wage for Brush Industry.

The Minimum Wage Commission of the Department of Labor and Industries approved provisionally the determinations of the Brush Makers' Wage Board and a public hearing was held January 9. The Wage Board submitted a unanimous report providing a minimum wage of $13.92 a week for women employed a year or more in the industry, and rates of $9.60 and $12 a week for beginners according to their experience. These rates on an hourly scale represent 20¢, 25¢ and 29¢, respectively. The Board recommended that these rates become effective March 1, 1923. The present rates have been in effect since August, 1914, the decree for the brush industry being the first entered by the Minimum Wage Commission.

A second wage board was formed by the Commission in 1921 for the purpose of revising rates. This board submitted a report in the spring of 1922 providing a minimum wage of $14.40 a week. The Minimum Wage Commission did not approve this report, but referred the matter to a third board which has just reported. (Page 2.)

Problems in Rate Fixing.

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. No. 18. Office and Other Building Cleaners' Occupation Decree. (Revised.) December 30, 1920.

Regarding the length of a working week, the board found that forty-two[1] hours are sufficient to constitute a full week's work for a woman in this occupation. The reasons for this decision are given in the following excerpt from the board's report:—

[1] One of the employee members in signing the report wished to be recorded as opposed to forty-two hours for full-time employment, but not as opposed to the wage award.

(*a*) It seems to be quite generally recognized that for ordinary work in daytime occupations a total of forty-eight hours is as much as a woman can safely work week after week.

(*b*) In this occupation the work almost universally must be done at night, and night work is known to be more wearing on the worker than the same work done during the day.

(*c*) This work is more tiring than that of the ordinary working woman,—another reason for a shorter working week.

(*d*) No evidence could be obtained to show how many hours at this occupation are the equivalent of forty-eight hours for other occupations. Various estimates were advanced by members of the board ranging from thirty-six hours to forty-six and two-thirds. It seemed to be generally felt that forty-eight hours a week were too long for this industry.

(*e*) From the foregoing it is evident that forty-two hours is stated merely as a compromise estimate, and cannot be taken as a criterion for future boards if real evidence on the subject can be discovered by them.

The former wage board made a distinction between night and day work in determining the rates; the reconvened board felt that the cases of day work were so few as to be negligible, and that these few cases involved work of an equally taxing nature. The board accordingly recommended that a single rate be fixed for all workers in the occupation, irrespective of the time when the work is performed.

With respect to the financial condition of the occupation, it was the opinion of the board that it should be possible for the industry to stand a minimum rate based on the cost of living. In this connection the board stated:

From the evidence presented at the meetings, it appears that office buildings are not yet well-paying investments, but the rentals have materially increased

recently and the financial returns will soon be adequate, if the demand for office space continues. The recommended increase in the pay of building cleaners, if all other elements of expense should remain constant, would increase the expenses of maintenance 1 to 3 per cent, would cut down the net profits 2 to 5 per cent, but would increase the rate of return on the original investments in the buildings only ⅛ to ¼ of 1 per cent. This increased expense is not so large that it would require any great increase in rentals to absorb it.

The board accordingly found that the minimum wage for women in this industry should not be less than $15.40 for a full week's work, and for part-time employment not less than 37 cents an hour. In this connection the following facts were noted:—

(*a*) The majority of women in this industry work substantially less than forty-two hours per week. This seems to be for the convenience of both workers and employers.

(*b*) The rate of 37 cents per hour gives approximately the amount called for by the budget for a full week of forty-two hours.

(*c*) Most of the workers work about thirty-three hours per week, and receive $10 per week. The rate recommended would give them $12.21 for the same working time, an increase of 22 per cent.

Following are the board's determinations in detail as to the minimum wage for the average worker of ordinary ability in the office and other building cleaners' occupation in this State:—

1. For the average worker of ordinary ability, not less than $15.40 a week for full-time employment, by which is meant forty-two hours or more per week.

2. For less than forty-two hours a week, not less than 37 cents an hour, provided the total for the hourly rate need not exceed $15.40 a week. (Pages 13-14.)

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. No. 20. Paper Box Occupation Decree. (Revised.) April 27, 1922.

Regarding the number of wage classes and length of learning period, the board reported that its greatest difficulty was in reaching determinations as to periods necessary for an employee to become experienced in the various processes. In this connection the board reported that:—

An attempt which was carefully made to divide the industry into various classes and fix different periods of apprenticeship with different rates therefor led to the conclusion that the result would be unworkable without great expense to the Commonwealth and undue investigation of the business, and would present an inviting opportunity for shifting employees to prolong the time in which the minimum wage would be attainable.

The board recognized that its determinations could not be made with scientific exactness, and that there must be give and take on the part of employers and employees, and that a workable result would inevitably mean some inequitable conditions to both sides in the extreme cases. It was recognized that the qualifications of age and time of employment were most easily ascertainable, most readily enforceable, and, by and large, would probably produce the best results. (Pages 2-3.)

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. No. 22. Muslin Underwear Occupation Decree. (Revised.) April 27, 1922.

It appears that the well-organized shops and fair employers pay well-experienced workers above the proposed standard of $13.75. This despite the pressure of an unusual amount of interstate competition. Our duty, under the law, requires that we be guided by the predominating wage and profit conditions and does not suppose that the wage must be adjusted to the lowest rates actu-

ally paid or to the least well-organized branch of the occupation. This runs parallel to the board's handling of such items as carfare and board and lodging in the cost of living budget. The governing cost was that which was necessarily met by the predominating number of wage earners. Neither the cheapest possible nor the highest paid in exceptional conditions was incorporated.

It was recognized also that the board was bound in its decision by the existing trade and cost of living conditions and that marked changes, in either direction, of prices or profits would call for a prompt reconvening of the board and revision of its decisions. There was positive expression of opinion by both employee and employer members of the board that with the new rates should go full enforcement of the decree on unfair shops and employers, as well as under-cutting workers. Co-operation was promised to this end. (Page 3.)

At this hearing [the public hearing for employers held after the minimum wage commission had received the report of the wage board] five employers appeared in opposition to the determination of the board. The chief objection was directed against the recommendations for a graded increase of $1 per week for beginners, sixteen years of age and over, after four weeks' experience, and again after thirteen weeks' experience. After reviewing the matter the Commission approved finally the determination of the board, with the exception of the provision for the two wage classes above mentioned. (Page 4.)

(2) Reinvestigations for Compliance with Minimum Ordered.

Massachusetts. Minimum Wage Commission. Fifth Annual Report. December 31, 1917.

Women's Clothing Industry. On Feb. 1, 1917, a decree went into effect establishing a minimum standard of wages for women and girls [$8.75 for experienced workers] employed in the manufacture of women's

cloaks, suits, skirts, dresses and waists. Shortly after the decree went into effect the Commission commenced an inspection of the pay rolls of all concerns in the State known to be engaged in the manufacture of the articles of women's clothing specified in the decree, both for the wholesale and the custom trade. The results of this investigation showed that the great majority of the establishments investigated in which women were found to be employed were paying their workers in accordance with the recommendations of the Commission. Complete compliance was found in almost all of the clothing factories and custom tailoring shops, but in only about half of the custom dressmaking establishments. The following table, presenting information for 27 clothing factories for which comparative data were available, shows that since the time of the Commission's first investigation in 1915, the proportion of women in this industry receiving $9 or over has increased from 42.5 per cent. to 73.2 per cent. in Boston, and from 10.9 per cent. to 57.0 per cent. in out of town concerns. (Pages 36-37.)

Rates of Payment for Week Workers in Twenty-seven Women's Clothing Factories, 1915 and 1917.

Locality and Year	Number and Per cent of Women with Rates of—																Total	
	Under $4		$4 and under $5		$5 and under $6		$6 and under $7		$7 and under $8		$8 and under $9		$9 and under $10		$10 and over			
	No.	Per cent	No.	Per cent	No.	Per cent	No.	Per cent	No.	Per cent	No.	Per cent	No.	Per cent	No.	Per cent	No.	Per cent
Establishments in Boston:—																		
1915	1	.3	6	2.1	22	7.5	35	12.0	55	18.8	49	16.8	54	18.5	70	24.0	292	100
1917	....	....	....	....	1	.3	13	3.8	29	8.5	48	14.1	72	21.2	177	52.1	340	100
Establishments outside of Boston:—																		
1915	17	12.3	29	21.0	30	21.8	24	17.4	13	9.4	10	7.3	9	6.5	6	4.3	138	100
1917	....	....	3	3.5	5	5.8	6	7.0	12	13.9	11	12.8	22	25.6	27	31.4	86	100

(Pag 38.)

Massachusetts. Minimum Wage Commission. Sixth Annual Report. November 30, 1918.

Women's Clothing Industry. The wage decree for women and girls employed in women's clothing factories in Massachusetts went into effect Feb. 1, 1917, and provided a minimum rate of $8.75 a week for experienced employees, and rates of $6 and $7 weekly for learners and apprentices. An inspection of the pay rolls of establishments covered by the decree was conducted by the Commission in the spring of 1917. A second inspection was started in November, 1917, and completed in 1918. Visits were made in 1918 to 32 establishments, mostly dressmaking and women's custom tailoring shops. Full compliance with the decree was found in 30 of these establishments employing 99 women and girls. In only 2 establishments was there failure to comply with the recommendations of the Commission. Out of the entire number of women for whom a week's wage record was secured, only 15, or 8.4 per cent., were receiving less than the minimum wage fixed for the occupation. Wage adjustments were made for 5 employees who at the time of the inspection were receiving less than the minimum required, and one special license was granted in accordance with the provision of section 9 of the Acts of 1912 as amended.

Men's Clothing and Men's Furnishings Industry. Two wage decrees went into effect in the winter of 1918. These were the Men's Clothing and Raincoat Decree, which became operative Jan. 1, 1918, and the Men's Furnishings Decree, so called, which became operative Feb. 1, 1918. The first-mentioned decree fixes a minimum wage rate of $9 a week for experienced female employees over eighteen years of age, and a rate of $7 weekly for learners and apprentices. The second decree provides a $9 weekly minimum for experienced women, and rates of $7 and $8 for less experienced workers.

Inspection of the pay rolls of establishments manufacturing men's outer garments to determine compli-

ance with the recommendations of the Commission was started shortly after the decree went into effect. Agents of the Commission visited 99 establishments, and a transcript was made of a week's pay-roll record for 1,693 female employees in these factories. Full compliance with the provisions of the decree was found in 88 firms employing 946 women and girls. Only 19 cases of violation of the decrees were found. These were in 11 firms and represent 1.1 per cent of the total number of women for whom wage data were secured. In two of these cases adjustments were made to bring the wage up to the required minimum. In 13 cases special licenses were granted. (Pages 28-29.)

Inspection of the pay rolls in factories and shops engaged in manufacturing workingmen's garments, men's furnishings and other articles specified in the Men's Furnishings Decree, was started in February, 1918. A transcript of a week's pay roll was made in 39 establishments. Full compliance with the recommendations of the Commission was found in 22 of these. In 17 firms there were 39 cases of violations. Of these, 11 were adjusted by raising the wage of the employees in question to the minimum. In 2 cases special licenses were granted, authorizing the employment of women physically defective at a wage less than the minimum fixed for the occupation. (Page 30.)

Muslin Underwear Industry. One hundred per cent compliance was found in 54 of the muslin underwear firms. In 15 establishments there were 31 cases where the rates fell below the minimum. Of these, 17 were adjusted by raising the wages. Of the millinery shops visited, 58 were complying with the decree. (Page 33.)

Comparison of wage rates at the time of reinspections with the rates for the same firms at the time of the original investigation has generally shown a material advance. While other factors have contributed to wage increases, the evidence at hand indicates that compli-

ance with the Commission's decrees has had a definite influence. (Page 35.)

Massachusetts Minimum Wage Commission. Seventh Annual Report. November 30, 1919.

Increase in Earnings.

Practically the only way of estimating wage increases in an occupation resulting from a decree is through a comparison of wage conditions prior to the establishment of a wage board with that found by the inspection following the date the determinations become effective. In drawing such comparison, however, allowance must be made for other factors that may have entered into the wage increase. This is particularly true when considerable time has elapsed between the two investigations, and where there have been abnormal fluctuations in wage rates. For this reason, such comparisons during the period of the war are unsatisfactory.

From the evidence at hand, however, it would appear that the decrees have resulted in advanced rates for a considerable number of women and girls in the occupations affected. (Page 55.)

So far as determining compliance with wage recommendations, inspections under the early decrees are of little value. In the case of decrees recently entered, the inspections have a definite relation to enforcement. (Page 54.)

Retail Millinery Industry. A comparison of the rates in effect at the time of the inspection with those of 1916, the date of the investigation preceding the establishment of the wage board, is shown in the table following. This gives 82.0 per cent of women and girls with weekly rates of $10 and over in 1918-19, as compared with 45.6 per cent in 1916. (Page 47.)

Wholesale Millinery Industry. Weekly rates for women employed in wholesale millinery establishments

and on those processes in straw hat factories coming within the scope of the decree are shown in the following table. This compares the wage situation found in 1916, the period covered by the first investigation, with that in effect in 1919. As the supplementary investigation made by the Commission in the summer of 1918 showed little improvement in wages, a considerable part of the increase indicated by the figures presented may be ascribed in the effect of the decree. (Page 49.)

At the time of the first investigation, only one-twentieth of the 859 women for whom wage records were available had rates of $9 a week or more. The inspection showed that nearly three-fourths of the 1,274 women for whom information was secured had rates of $9 or over. On the average, rates have advanced about $2 a week since the previous investigation. Although part of this increase was due to a rather general raise in rates in the spring of 1918, a considerable part is unquestionably due to the minimum wage decree. (Page 52.)

Canning and Preserving Industry. A comparison of the rates in the same group of establishments* included in the original investigation (1917-18) and in the inspection in the fall of 1919 shows a striking change in the wage situation. The increase is particularly noticeable in the fish-canning firms. In 1917-18 only 5.9 per cent of the women in the two branches had rates of $10 or over. In 1919 this percentage had increased to 84 per cent. A considerable part of this increase was unquestionably due to the decree.

* These figures are strictly comparable, as only those firms have been included which were investigated and had time-rate workers in each year. (Page 53.)

Per Cent of Women Earning the Minimum Wage Decreed Shown by Inspections Before and After the Decree Became Effective and the Relation of the Minimum Wage to the Cost of Living on January 1, 1920.

Kind of Work Covered	Date Decree Effective	Wage Decreed	Per cent. Receiving Before and After the Decree, the Wage Decreed and Over				Cost of Living	
			Year	Per cent.	Year	Per cent.	Adopted by Wage Board	Estimated Increase from Date of Decree to Jan. 1, 1920
Retail Millinery Workrooms	Aug. 1, 1918	$10	1916	46	1919	82	$11.64	25
Wholesale millinery establish'ts	Jan. 1, 1919	$11	1916	11	1919	81	$12.50	11
Straw hat establishments	Jan. 1, 1919	$11	1916	29	1919	71	$12.50	11
Office and other building cleaners occupation	Apr. 1, 1919	30c an hour by night 20c by day	1916-17	5*	1919	76*	$11.54	8
Fish canning occupation	Sept 1, 1919	$11	1917-18	6**	1919	84**	$11	8

*Received $9.00 or over. **Received $10 or over. (Compiled from Pages 48, 50, 52, 53, 77, 78, 81, 82.)

Compliance with Decrees.

Very few cases of non-compliance were found in any of the inspections, and all of these have been adjusted. (Page 12.)

Inspections to ascertain compliance with the decrees have been made in every occupation in which wage determinations are in effect. Result of these inspections show substantially full compliance with the recommendations of the Commission. They also indicate that a considerable proportion of the women and girls in the occupations covered have received increased wages in consequence of the decrees. (Page 12.)

Tabular Summary of Reinspections for 1919.

	Brush	Laundries	Retail Stores	Women's Clothing	Men's Clothing and Raincoat	Men's Furnishings	Muslin Underwear	Retail Millinery	Wholesale Millinery	Office Buildings	Canning and Preserving	Total
Number of records secured	689	2,441	12,618	464	1,195	2,307	1,695	562	841	1,353	650	24,815
Number of firms visited	24	120	216	22	79	48	77	174	28	207	35	1,030
Number with full compliance	23	109	200	20	78	34	59	161	22	200	31	937
Number of cases of apparent noncompliance	2	16	29	8	1	25	39	14	10	42	10	196
Number of these of special license type	.....	6	.....	6	.....	16	11	.....	2	.....	1	42
Cases remaining for settlement	2	10	29	2	1	9	28	14	8	42	9	154
Settled by employers' adjustment[1]	1	9	27	2	1	7	18	8	6	42	9	130
Left employ of firm[2]	1	1	.....	.....	.....	2	10	6	2	.....	.....	22
Cases dropped[3]	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	2

[1] In 2 cases adjustment was made by changing the basis of payment, and in 3 cases the minimum was being paid at the time of the second inspection. In one case wages were raised, and two weeks later the employee was discharged. In all of the other cases wages were raised by the employer to meet the provisions of the decree.

[2] Includes 3 cases where the employee was discharged.

[3] The reason for dropping these cases was because the firm in which they occurred was apparently on the verge of bankruptcy.

(Page 64.)

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. Report for the Year Ending November 30, 1920.

In the inspection work for the year visits were made by the Commission's agents to 1,126 establishments located in 67 cities and towns. Wage records were secured for 23,349 women and girls employed in these establishments. In addition, a number of establishments were visited several times in the follow-up work to adjust cases of non-compliance. In all, 983 cases of non-compliance were found. Of this number, 681 have been adjusted,—366, or more than one-half, by increase in wages, and 71 by transfer of the workers in question from time rates to piece rates, at which they were able

to earn the minimum or more. Special licenses were granted to 44 women, and 21 additional cases were adjudged of special license type. In 160 instances the women voluntarily left the employ of their respective firms As far as could be ascertained, this was due not to the effect of the decree, but to the general unrest and consequent high labor turnover which characterized the first half of the year, and to the business depression and attendant unemployment of the latter half of the year. In 20 cases women who were earning less than the minimum were discharged.

There are 301 cases unsettled at the close of the period covered by this report. Of these, 91 represent non-compliances under the women's clothing occupation decree; and the remainder, 210, are non-compliances under the paper box occupation decree. With the exception of these two industries, full compliance has been secured under all of the Commission's decrees. These cases, although numerically large, represent only 1.3 per cent of the entire records included in the inspection returns for the year.[1] Reinspection for the purpose of adjusting these cases has already been instituted. As a result of this work the number of non-compliances will probably be materially reduced. It is hoped that all of the outstanding cases may be settled by this method.

Although the primary purpose of the inspection is to ascertain compliance with the wage awards, the result is of interest in indicating the effect of the decrees upon the general level of wages in the occupations covered. In this connection it should be noted that the adjustments mentioned in the preceding sections refer to the settlement of non-compliances, and do not furnish an index of the actual wage advances. The majority of the firms affected make the necessary adjustments on or before the date the decree goes into opration, so that at the inspection following that date their establishments show full compliance. In the case of an initial inspec-

[1] The result of the inspection work under the different decrees is shown in the table on page 21.

tion, comparison of the wage situation found at the time of the inspection with that existing at the preliminary investigation affords the best evidence of the change which is available. For all of the recently entered decrees, such comparison shows a substantial increase in wages. Other factors besides the decrees have undoubtedly contributed to this advance; how many, and to what extent, it is impossible to determine. In view, however, of the absence of any very marked advances in the industries of the State in general during this period, it is safe to ascribe a considerable part of the increase in these particular industries to the effect of the wage investigation and subsequent award. (Pages 19-20.)

That all who are affected by the decree do not take this attitude is evidenced by the 301 cases still outstanding, the largest number at any time in the Commission's history. It should be recognized that a great deal of time and considerable expense is involved in the effort to adjust these cases; that even when they are adjusted, as many, perhaps all of them, will be, it is possible to secure the payment of the minimum only from the date the adjustment is effected, and not from the date the decree became operative. The situation resulting is unfair to the employees, who are deprived for several months of the benefit of the award; it is unfair to the employers who accept the decrees promptly and abide by them; and it is unfair, in the disproportionate cost of the adjustment, to the commission and to the public. (Page 20.)

Tabular Summary of Reinspections for 1920.

	Candy	Men's Clothing	Corset	Office Building	Knit Goods	Women's Clothing	Paper Box	Muslin Underwear	Canning and Preserving	Retail Millinery	Total
Number of records secured	7,050	2,578	1,612	1,350	1,096	1,664	4,831	1,719	734	715	23,349
Number of firms visited	110	182	15	171	29	177	123	81	33	205	1,126
Number with full compliance	82	173	8	169	26	117	55	79	29	204	942
Number of cases of non-compliance	206	12	30	3	4	157	564	2	4	1	983
Adjusted	206	12	30	3	4	66	354	2	3	1	681
Wages raised	177	7	11	3	3	49	110	2	3	1	366
Earning more on piece	.....	.....	3	.....	.....	.....	68	.....	.....	.....	71
Special license	3	5	6	.....	1	4	25	.....	.....	.....	44
Special license type	.....	.....	4	.....	.....	2	15	.....	.....	.....	21
Left	8	.....	6	.....	.....	10	135	.....	1	.....	160
Discharged	18	.....	.....	.....	.....	1	1	.....	.....	.....	20
Pending	.....	.....	.....	.....	.....	91	210	.....	.....	.....	301

(Page 21.)

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. Report for the Year Ending November 30, 1921.

The year just ended has been a serious one for minimum wage work. The business situation increased the problems of the wage boards and made it difficult to secure compliance with the recommendations. The Commission has this year for the first time been obliged to publish the names of employers violating its decrees. This action was taken in the case of eleven paper box firms and one office building owner. According to the opinion of the Attorney-General, the law imposes on the Commission the obligation to proceed in this manner in the case of non-compliance. (Page 7.)

In the inspection work for the year, wage records were secured for 14,690 women and girls in 649 establishments located in 68 cities and towns. Additional visits were made to a number of these establishments in the follow-up work to adjust cases of non-compliance.

A total of 658 cases of non-compliance were found in 99 establishments. This is in addition to the 301 cases unsettled at the close of the previous year. Of that number, 109 cases, 59 in women's clothing firms and 50 in paper box firms, have been adjusted. There were 160 cases in the 11 paper box firms advertised, and 32 cases remain under the women's clothing decree. The majority of these involve the question of classification under one of two branches of the clothing industry, and were left pending decision as to the scope of the decree, as the wage boards for both branches[1] in question are being reconvened.

Of the 658 new cases of non-compliance arising in the course of the inspection work of the present year, 384, or 58.4 per cent, have been adjusted, 229, or almost 60 per cent, by increase in wages. In 81 cases, under the office and other building cleaners decree, the number of working hours was reduced so that the hourly rate was

[1] Woman's clothing and muslin underwear.

brought into compliance with the decree; and in 7 other cases, under the same decree, the number of hours was reduced and the wage slightly raised to bring the hourly rate to the minimum fixed by the decree. In 15 cases women voluntarily left the employ of their respective firms, and 51 women were discharged, all but one of these being employed in office buildings. Only one special license was issued during the year.

There were 106 cases of non-compliance in the establishment advertised under the office and other building cleaners decree. In addition there are 168 cases unsettled at the close of the period covered by this report, representing 1.1 per cent of the entire records included in the inspection returns for the year. The largest number of these cases, 78, come under the paper box decree. There are 56 under the minor lines of confectionery and food preparations decree, 28 under the office and other building cleaners decree, 4 under the candy, and 2 under the knit goods decree. (Pages 13-14.)

(4) Peculiar Local Experience.

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. Report for the Year Ending November 30, 1920.

Through the consolidation of State departments, December 1, 1919, the functions of the former Minimum Wage Commission were transferred to the three Associate Commissioners of the Department of Labor and Industries, who, when acting in minimum wage matters, are designated the Minimum Wage Commission. The work is conducted by the Division of Minimum Wage, and is under the immediate supervision of the Assistant Commissioner. (Page 7.)

Legislation Enacted in 1920.

The first amendment[1] is intended to give the Commission opportunity for choice in making wage board

[1] General Laws, chapter 151, section 2.

appointments in order to insure fair representation for the various interests affected by the work of the boards. Formerly it was possible for employers or employees to determine the selection of members by nominating only the number of candidates required for the places on the board. The law now provides that unless twice the number of nominations required are received, the Commission shall appoint not less than half of the persons so nominated, and may fill the remaining places by appointments made directly from employers or employees, as the case may be. (Pages 10-11.)

The other amendment[1] makes it possible for the Commission, on its own initiative, to reconvene a wage board when in its opinion such action is necessary to meet changes in the cost of living. Previously it was impossible to take such action except on petition from employers or employees in the occupation covered by the decree. As this provision of the law was not very generally known it was seldom exercised; consequently a decree once entered was apt to remain unchanged regardless of variations in the cost of living. The legislation enacted this year provides for greater flexibility in the operation of the law. (Page 11.)

In connection with the wage board work for the year, certain developments are of significance. With one exception, all of the wage boards have submitted unanimous reports. Only one board has recommended a minimum rate below its findings as to the cost of living. The boards have shown a tendency to consider a somewhat higher standard of living than formerly, as indicated by the inclusion in their budgets of such items as sickness insurance, reserve for deficiency and self-improvement.[2] The rates established have been considerably higher than those of previous years, three of the rates entered being for $15, $15.25 and $15.50, respectively. All were based upon the unanimous recommendations of the wage boards. The problem of adjusting the rates to meet

[1]General Laws, chapter 151, section 5.

[2]In all, 7 boards have made provision for this item. Of these, 3 were boards reporting during the past year.

changes in the cost of living has been considered by several boards. One board, that for the paper box occupation, recommended that the Commission revise the rates periodically upward or downward as the cost of living changes, using the index numbers prepared by the United States Bureau of Labor Statistics as basis for the adjustments. Another board, that for the women's clothing occupation, in its report calls attention to the problem of seasonability and the inadequacy of any attempt that might be made to provide in the budget for the attendant unemployment. The board recommended that a study of seasonability be made by the Department of Labor and Industries. (Pages 17-18.)

The most serious problem in minimum wage work is that of securing uniform enforcement of the decrees. Without such enforcement the purpose of the law is defeated. It is impossible to afford protection to all the women and girls needing such protection. It is impossible to insure impartial treatment for all employers affected by the decrees. The law in its present form provides no direct penalty for non-compliance other than publicity. So far the Commission has not been obliged to resort to advertisement. Compliance with the decrees has been secured through the voluntary co-operation of employers, and the adjustment of cases outstanding has been secured through repeated inspections, follow-up letters and conferences with individual employers. Although this method has involved considerable time and expense, it has proved effective. It should be noted in this connection that the Commission has been able to make complete inspection to determine compliance only since the decision of the Supreme Judicial Court, rendered in the fall of 1918. The fact that for eighteen months following this decision there was a continued rise in prices and a constant labor shortage doubtless made it easier to secure compliance with decrees entered under a recommendatory law than might otherwise have been the case. The real test of such a law will be in the ability to secure compliance during a period of falling prices and unemployment. Difficulties have already been encountered, due in

part to the situation first mentioned, and in part to dissatisfaction with the law in its present form. Although reinspections and follow-up work have materially reduced the non-compliances, there are still a considerable number of cases outstanding. If the Commission is able to secure adjustment of these cases by the methods previously described, that will demonstrate the effectiveness of the present law. If, however, compliance with the decrees cannot be secured under the existing legislation, there may be need for such modification of the law as will insure its impartial enforcement. (Pages 24-25.)

Massachusetts. Department of Labor and Industries. Minimum Wage Legislation in Massachusetts. Ethel M. Johnson, Assistant Commissioner, Acting Director of Division of Minimum Wage. 1920.

It is significant that a number of employers have recommended that the law be made mandatory, and there is apparently a growing sentiment in favor of such action. The representatives of employers on two of the Commission's wage boards have made recommendation for a mandatory law. Much of the early hostility to the minimum wage has disappeared. As illustration of this is the fact that the Merchants' and Manufacturers' Association, opposed to the minimum wage—an organization formed in the early days of the Commission's existence—was last year disbanded. An increasing number of employers are in favor of minimum wage legislation, recognizing that it is in their interest as well as in the interest of their employees. One employer stated that he would like to pay higher wages, that he realized the rates in his industry were low, that he could not, however, raise the wages for his workers unless his competitors did the same. He said that he knew, and that other employers knew, that the only way to secure a fair wage in some occupations was to have the State fix a minimum rate. A letter from another employer affected by one of the recently entered decrees states that he has for some time been paying the minimum, and

is glad to know that now his competitors will be obliged to do the same. This is typical of many letters which come to the Commission. (Pages 5-6.)

A recent editorial in a Massachusetts daily illustrates the attitude of the thinking public and of the progressive business man in the following statement: "The fact seems to be established that the setting of a minimum wage is of advantage to industry, and accepted as such on account of its tendency toward standardization and its discouragement of unfair competition."—*Springfield Republican*, June 15, 1920. (Page 9.)

Minnesota.

(1) Minimum Wage Order. [Summarized.]

No. 12. *Any Occupation.* Effective January 1, 1921. Experienced females. In places with a population of 5,000 or more, $12 per week or from 36 to 48 hours and 25 cents per hour in excess of 48 hours. In other places, $10.25 per week and 21½ cents per hour in excess of 48 hours.

Learners (over 18): in places with a population of 5,000 or more, 3 months at $9.12 per week of from 36 to 48 hours and 19 cents per hour in excess of 48 hours, 3 months at $10.56 and 22 cents per additional hour; in other places, 3 months at $7.68 and 16 cents per additional hour, 3 months at $9.12 and 19 cents per additional hour. Learners (under 18): in places with a population of 5,000 or more, 3 months at $7.68 and 16 cents per additional hour, 3 months at $9.12 and 19 cents, 3 months at $10.56 and 22 cents; in other places, 3 months at $6.48 and 13½ cents per additional hour, 3 months at $7.68 and 16 cents, 3 months at $9.12 and 19 cents.

Telephone Operators customarily on duty between 6 P. M. and 8 A. M., and permitted to sleep while on duty, shall be construed to have worked the equivalent of 8 hours.

Deductions permitted in places with a population of 5,000 or more, for room and board furnished, $7, for meals, 22½ cents each; in other places, for room and board, $6.25, for meals 21 cents each.

(2) Wage Investigations and Minimum Ordered.

Minnesota. Minimum Wage Commission. Second Biennial Report. April 1, 1918 to January 15, 1921.

Tables III and IV [not included] indicate the possible weekly earnings for women and male minors, a figure based on the actual earnings as shown by the pay-

rolls submitted and the normal hours as reported by the firm. Possible weekly earnings take no heed of slack work or unemployment and therefore should be regarded with caution. The table shows the wage situation under the most favorable conditions of full time, and yet, in cities of 5,000 or more population, of a total of 23,232 women employees 86 could under no circumstances earn as much as $8.00; 203 women would earn less than $9.00; 421 women less than $10.00; and 1,692 women (or 7.3 per cent) less than $11.00, the figure determined as the least wage upon which a woman could live. More than 3,300 women (14.4 per cent) would earn less than $12.00, and 6,205 women (26.7 per cent) would earn less than $13.00. It must be remembered that wage rates were at their highest peak during the period of time, June, 1920, covered by this report. A supposedly steady demand for labor, coupled with almost no supply, had forced wages to an unheard of point, but the wage rates here indicated and the very frequent violation of the minimum-wage law—i. e., cases where the employer failed to pay the minimum wage and cases where he paid less than the legal apprentice wage—would lead one to wonder whether wages paid to women are regulated by the law of supply and demand to the extent that economists have in the past led us to believe. It at least indicates that the law of supply and demand does not operate freely where the wages of women are concerned. What follows on "median earnings" indicates even more graphically the real situation as to wages during the period of greatest inflation that followed the close of the World War. The minimum wage in Minnesota never approached the real cost of living during this period, because the Commission lived on the hope that cost of living would come down. In fixing $9.00 as a minimum wage in 1914, $5.00 was allowed for room and board and $4.00 covered the cost of clothing, laundry, and all incidental expenses. In fixing $11.00 as a minimum wage, $7.00 was allowed for room and board and the same allowance of $4.00 was made for clothing, laundry, and

incidentals, giving the worker no increase to take care of the greater cost of every item going into clothing, laundry, and incidental budget. When the $12.00 rate was fixed an extra dollar was added to the clothing and incidental budget, but no addition was made to take care of the increase in cost of room and board since August, 1919.

While the wage rates indicated by this report show a great improvement over wage conditions discussed in the first biennial report of the Minnesota commission, there is evidence of a need of still greater effort if every working woman and minor is to receive a really adequate living wage. (Pages 14-15.)

Comparison of Large and Small Places.

A comparison of median earnings in the two population groups [places of 5,000 and over and places under 5,000] shows that hourly earnings for food factory workers were between 12 and 13 cents higher and for food office workers between 6 and 7 cents higher in the small towns than in the larger centers.[4]

Factory workers' wages in wood-working plants were slightly higher in the small towns, as were those of clerical workers in the general mercantile group, the wholesale mercantile group, banks, and the miscellaneous offices not otherwise classified.

In the other occupation groups when a comparison is possible the earnings were higher in the larger cities —the differences ranging from about 3 to 15 cents.

As the wages in cities of under 5,000 were much higher for food factory workers so were they much lower—by 15 cents—for clothing factory workers. (Page 20.)

[4] This is probably due to packing plant rates in South St. Paul, where the wage rate is by the job and not the sex of the employee.

Table I.—Number and Per Cent of Women* Earning Each Specified Amount Per Hour in Cities of 5,000 or more Population in June, 1920.

Industry or Occupation	No. Reporting	Under 23 Cents		23 Cents		Under 25 Cents		25 Cents		Official Minimum Wage Based on Cost of Living
		No.	%	No.	%	No.	%	No.	%	
Factory Workers:										
Clothing	1808	78	4.3	42	2.3	142	7.9	37	2.0	
Food	2630	225	8.7	128	4.9	453	17.2	297	11.3	
Paper	531	33	6.2	44	8.3	95	17.9	48	9.0	
Shoes, etc	685	37	5.4	34	5.0	81	11.8	40	5.8	
Textiles	2271	74	3.3	85	3.7	225	9.9	66	2.9	
Miscellaneous	1344	83	6.2	32	2.4	153	11.3	113	8.4	$11.00 or 23c. an hour Aug. 5, 1919 Superseded by $12.00 or 23c. an hour Jan. 1, 1921
Bindery Workers	336	12	3.6	55	16.4	68	20.2	20	6.0	
Laundry Workers	1384	105	7.6	67	4.8	223	16.1	138	10.0	
Saleswomen:										
Bakery and Confectionery	122	17	13.9	13	10.7	36	29.5	12	9.8	
Clothing and Millinery	495	1	2.3	...	...	1	2.3	5	11.4	
Department Stores	3384	296	8.7	63	1.9	485	14.3	348	10.3	
Five and Ten Cent Stores	374	90	24.1	69	18.4	202	54.0	49	13.1	
Grocery and Meat	88	12	13.6	1	1.1	14	15.9	1	1.1	
Miscellaneous	221	17	7.7	4	1.8	30	13.6	24	10.9	
Mercantile Messengers	456	164	36.0	20	4.4	297	65.1	42	9.2	
Retail Store Cashiers	203	24	11.8	7	3.4	43	21.2	48	23.6	
Janitresses	123	2	1.6	20	16.3	22	17.8	1	0.8	
Maids and Matrons	102	15	14.7	1	9.8	26	25.5	27	26.5	
Elevators	96	7	7.3	1	1.0	12	12.5	4	4.2	

*All females 16 years and over.

Minnesota.

(Abbreviated.) (Pages 40, 41.)

(3) Reinvestigations for Compliance with Minimum Ordered.

Minnesota. Minimum Wage Commission. Second Biennial Report. April 1, 1918 to January 15, 1921.

In 663 cases since August 5, 1919, the employer paid to the employee the difference between the wage he had actually paid and the minimum wage required by law, and he furnished the Minimum Wage Commission with a receipt, signed by the employee, showing the amount of money paid.

The total amount of back pay collected in this way, for which receipts were filed, was $18,382.21, the amount varying from the lowest amount, 11 cents to $376.08, the largest single claim paid.

Up to January 15, 1921, the Minimum Wage Commission had prosecuted only two employers for violation of the law. (Page 7.)

Summed up, the work of the Minnesota Minimum Wage Commission between April 1, 1918, and January 15, 1921, resulted in a quite general compliance with the minimum wage law by the employers in the State and a substantial increase in the general level of wages paid to women and minors. The latter is evidenced in the section of the report following, which deals with wages paid in the State. (Page 8.)

(4) Peculiar Local Experience.

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. September, 1919.

The Minnesota minimum wage commission issued six orders in 1914, establishing the minimum wage for women in any mercantile, office, waitress, or hairdressing occupation at $9 a week in cities of the first class, $8.50 in cities of the second, third, and fourth classes, and $8 elsewhere, while for women employed in "any manufacturing, mechanical, telephone, telegraph, laundry, dry-cleaning, lunch-room, restaurant, or hotel occupation," the minimum wage should be $8.75, $8.25, and $8 a week, according to the class of the city in which the occupation was carried on. While these orders are rather inclusive in their scope, they still recognize a difference in the necessary cost of living for women in different occupations, taking it for granted, for instance, that a saleswoman in a retail store may have to meet expenses which are not necessary for a laundry employee.

Before these orders could be carried into effect the constitutionality of the law was attacked, and the commission suspended its activities until the legal question should be settled. The decision of the supreme court, upholding the law, was not given until December 21, 1917, so that there was an interregnum of about three

and a half years in the work of the commission, and the orders issued since that period have been based on the idea of a minimum varying according to the size of the community in which a worker lives, but not according to her occupation. Two orders were issued in June, 1918, dealing with the rates to be paid apprentices and learners, which applied to all occupations without distinction. (Pages 251-252.)

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. July, 1920.

On July 5, 1919, the Minimum Wage Commission of Minnesota issued two orders, Nos. 10 and 11. These relate to "women and minors of ordinary ability in any occupation," No. 11 governing the employment of learners and apprentices.

In the rates fixed a basis was adopted of a weekly amount payable for work not to exceed 48 hours per week, different rates being fixed for cities having a population of 5,000 or more, and for places of smaller population. The higher rate named was $11 per week, work in excess of 8 hours to be paid for at the rate of 23 cents for each additional hour worked. The lower rate was $10.25 per week, plus 21½ cents for each hour above 48.

A State law established a 10-hour maximum work day and 58-hour week for women in mercantile establishments, etc., and a 9-hour work day and a 54-hour week for women employed in mechanical or manufacturing establishments, or in telephone or telegraph establishments in cities of the first and second classes. The law creating the minimum wage commission gave it no authority to fix the hours of labor, but the commission found "that the number of hours per week which a person is customarily employed in the performance of work for her or his employer has a direct and substantial bearing on the minimum amount which said person needs and requires as a living wage, in that a person whose time and energy are not substantially consumed

in the doing of the work for which she or he is employed may and can do for herself or himself many things which would and do reduce the money cost of living of such persons." The contention was made by certain employers that the commission had exceeded its powers in fixing the hours of labor, as well as in other provisions of the order, and a temporary injunction was granted against the commission to restrain it from enforcing the orders. The commission thereupon appealed and secured a reversal of the injunctive order, leaving the commission free to carry out its orders as made (G. O. Miller Telephone Co. *v.* Minimum Wage Commission, 177 N. W. 341).

The court admitted that the commission has no power to fix the hours of labor and held that it did not attempt to do so. What it did was to take "48 hours a week as the basic period of labor upon which to compute a minimum wage." The point that there was a relation between the hours of daily work and the cost of living was upheld as a finding of the commission which could not be regarded as "fanciful."

The distinction between localities of larger and smaller sizes was contemplated by the act, and the line drawn by the commission could not be condemned as arbitrary classification; neither does the fact that the same rate is fixed for women as for minors invalidate the order unless it appears that the minimum for one or the other class is too high.

Every contention of the opponents of the orders was decided adversely to them, the constitutionality of the act having been previously upheld (Williams *v.* Evans, 139 Minn. 32, 165 N. W. 495, 166 N. W. 504). The present opinion establishes the power and status of the commission, and would seem to remove all doubt as to the validity of method and legal status. (Pages 132-133.)

Minnesota. Minimum Wage Commission. Second Biennial Report. April 1, 1918 to January 15, 1921.

History of the Minnesota Minimum Wage Law.

The Minnesota Minimum Wage Law, signed by the governor on April 26, 1913, created a Minimum Wage Commission of three persons, whose duty it was to determine and make effective "living wages" for women and minors, the commission to function beginning August 1, 1913, and to continue in office up to January 1, 1915. The law became in-operative on November 23, 1914, due to a court restraining order—the case was appealed at once to the state supreme court and was pending in that court until on December 21, 1917, the law was held to be constitutional—the case was then re-argued and finally disposed of by the Minnesota supreme court on March 9, 1918, on which date the wage orders issued by the commission on October 23, 1914, became effective but without any retroactive effect on wages. (Page 5.)

On January 1, 1921, Wage Order No. 12 became effective and superseded Wage Orders Nos. 10 and 11. This order increased the minimum wage from $11.00 a week to $12.00 a week in cities having a population of 5,000 or more, but left the wage of $10.25 a week in effect in cities having a population of less than 5,000. When the $12.00 was adopted on December 1, 1920, the members of the commission agreed to again increase the minimum wage February 1, 1921, unless during the intervening sixty days the cost of living materially decreased.

The schedule of rates in effect on January 1, 1921, will be found on page 92.

The work of the Minimum Wage Commission has been beset with legal difficulties. The law was inoperative from November 24, 1914, to March 9, 1918, due to an injunction, and in October, 1919, the Independent Telephone Association through one of its members, The

G. O. Miller Telephone Company and one Stott and Son, canvas-glove manufacturers in Winona, attacked the validity of Wage Orders Nos. 10 and 11. The McLeod Telephone Company, of McLeod County intervened. Judge Albert Johnson, of the district court at Red Wing, in October, 1919, held the orders to be invalid and granted the request of the employers for an injunction, but the injunction was not perfected and the Minimum Wage Commission appealed the case. The Minnesota supreme court on March 9, 1920, reversed the decision of Judge Johnson and denied an injunction. (Page 6.)

North Dakota.

(1) Minimum Wage Orders. [Summarized]

All orders effective April 4, 1922.

No. 1. *Public Housekeeping.* Experienced women: waitresses and counter girls, $14.90; chambermaids and kitchen help, $14.20. Learners: waitresses and counter girls, 2 months at $11.90, 2 months at $13.60; chambermaids and waitresses, 2 months at $11.20, 2 months at $12.90. Twenty-five per cent in any establishment may be learners.

Deductions permitted for room only, $2.15; for board of waitresses and counter girls, $6, of chambermaids and kitchen help, $5.95; for board and room of waitresses and counter girls, $8.10, for chambermaids and kitchen help, $8.25. For less than 21 meals, 35c allowed employees for each meal not furnished. Rooms shall be heated and kept in a sanitary condition.

No. 2. *Manufacturing.* Experienced women, $14. Learners: in candy and biscuit manufacturing, 3 months at $9, 3 months at $10.50, 3 months at $12; in bookbinding or job press feeding, 3 months at $9, 3 months at $10.50, 3 months at $12, 3 months at $13. Forty per cent in any establishment may be learners.

No. 3. *Mercantile.* Experienced women, $14.50. Learners: 3 months at $9.60, 3 months at $10.40, 3 months at $11.20, 3 months at $12. Twenty-five per cent in any establishment may be learners.

No. 4. *Laundry.* Experienced women, $14. Learners: 3 months at $11, 2 months at $12.50. Twenty-five per cent in any establishment may be learners.

No. 5. *Telephone.* Experienced women: in towns of 1800 population and over, $14; elsewhere, $12. Learners: in towns of 1800 and over, 1 month, $10, 4 months, $11.50, 4 months, $12.50; in towns of under 1800, 1 month, $9,

4 months, $10, 4 months, $11. In an exchange employing six or more employees, thirty-five per cent may be learners.

Nos. 1, 2, 3 and 4. *Rates for less than a week's work.*

Whenever a woman is employed by the week or day regularly and is available for work, 36 to 48 hours (38 to 48 in laundry work and 40 to 48 in manufacturing) shall constitute a full week's work and an employee is entitled to a full week's wages for same.

When business conditions render it impracticable for an employer to furnish an employee full time employment, 30 to 35 hours regular employment shall be paid at the rate of not less than one thirty-sixth of the weekly minimum wage established per hour (32 to 38 hours in laundry work at one thirty-eighth the wage and 35 to 40 hours in manufacturing at one-fortieth the wage); provided, that such employer shall so arrange consecutive hours of continuous employment that such employee may have a fair opportunity for securing such employment as will enable her to earn a full week's wage.

When business conditions render it impracticable for an employer to furnish an employee full time employment, employment under 30 hours per week (under 32 hours in laundry work, or under 35 in manufacturing) shall be paid at the rate of not less than one forty-eighth of the weekly minimum wage established per hour.

Minors. No orders are in effect:*

(2) Wage Investigations and Minimum Ordered.

North Dakota. Workmen's Compensation Bureau. Minimum Wage Commission. Bulletin No. 1. Report by Secretary and Special Investigator. From August 4, 1919, to December 31, 1919.

From this table it can be seen that the highest paid employees receiving neither board nor room are retail

*"The number of minors employed in industry is very small and the Bureau has felt that an order at this time is not especially needed." Second Biennial Report. (Page 51.)

clerks, and the most poorly paid are the laundry workers. Of those who receive board and room, the hotel and restaurant employees are the most highly paid, the hospital workers the most poorly paid.

While the average wage for office help may be considerably higher than in the occupations listed in the foregoing table, nevertheless a large number of clerical workers receive wages which compare unfavorably with the average wage for retail clerks and in many instances with the wages paid to laundry workers. Although no detailed investigation was made among this class of workers, over twenty instances of wages from $7.00 to $11.00 a week have been recorded. (Page 7.)

Table I.—Wages of 307 Women in 27 Towns and Cities. August-December, 1919.

Kind of Establishment	No. of Women	Minimum Wage			Official Minimum Wage Based on the Cost of Living
		Highest	Lowest	Average	
Retail stores	96	$25.00	$6.00	$13.40	$17.50
Confectionery stores	31	13.00	7.00	10.90	
Telephone exchanges	27	14.50	7.50	10.50	18.50
Laundries	18	11.00	7.00	9.00	16.50
Hotels and restaurants	16	18.00	3.00	11.75	Waitresses, counter girls $17.50
In hotels and restaurants with board	51	13.00	6.00	9.33	Chambermaids, kitchen help $16.70
In hotels and restaurants with board and room	58	11.00	5.00	7.50	Deductions for board furnished $3.50
Hospitals with board and room	10	7.50	6.00	6.50	for room 2.50
					Aug. 18, 1920

(Condensed.) (Page 7.)

North Dakota. Workmen's Compensation Bureau. Minimum Wage Department. First Annual Report. For Year Ending June 30, 1920.

There are in North Dakota practically five occupations in which women are employed; laundries, offices, telephone exchanges, stores and public housekeeping establishments. A small number of women work in manufacturing establishments and as student nurses. Since the number of factories is by far the smallest the indus-

trial problems of the large manufacturing centers of the east are not those of North Dakota. Nevertheless, North Dakota faces problems peculiarly its own and these are of equal importance to the welfare of the women and children of the State. (Page 13.)

The most serious problem arising out of the course of employment is directly traceable to inadequate wages which are paid to women and minor workers.

Considering the necessity of an adequate living wage from this standpoint, Table No. I will be of interest. This table (now condensed) was prepared by the Chief Probation Officer of Philadelphia and tabulates the number of girls who came before the Philadelphia court in 1918 for various offenses, according to occupation and wages received at the time they were taken in custody. (Page 15.)

From this table it can be seen that 820 out of 861 girls taken in custody earned less than $14.00 a week, the average wage being about $6.50.

Despite the foregoing table, however, it is a question whether or not inadequate wages are to a large degree the cause of women leading a life of immorality. A more substantial argument is that underpaid women workers are denying themselves actual necessities of life in order to avoid leading such a life that they are living on insufficient food and are huddled together in rooms devoid of light, ventilation and heat.

The data which has been gathered by the Bureau on the relation of wages to the cost of living, brings us forcibly against the problems which the women of North Dakota face in this respect. (Page 17.)

Totalling, therefore, the estimated expenses as previously listed, the minimum cost of living would be:

Room	$2.50
Board	7.00
Clothing	4.15
Sundries	3.00
Minimum Wage Estimate	$16.65

It might be added further that the cost of living since December, 1919, has again been increased. (Page 23.)

The results of these preliminary investigations proving conclusively that the standards of hours, standards of conditions and the wages for women and minors were unsatisfactory and inadequate, the Bureau decided to hold a series of hearings throughout the State. (Page 24.)

The testimony of approximately 400 individuals was taken and recorded. Estimating roughly 45 girls working in laundries testified; 60 in mercantile establishments; 30 in offices; 50 in telephone exchanges; 55 employed in hotels, restaurants and cafeterias; 15 student nurses and 12 in manufacturing establishments. The majority of these witnesses were subpoenaed and all testified under oath. (Page 25.)

Table I.—Wages of 307 Women in 27 Towns and Cities. August-December, 1919.

Occupation	Number					Official Minimum Wage Based on the Cost of Living*
	Number of Representative Establishments	Under $14	$14 to $14.99	$15 and over	Total	
Mercantile	92	0	10	523	533	$14.50
Manufacturing	15	0	18	40	58	14.00
Laundry	11	0	65	47	112	14.00
Telephone	14	0	109	51	160	14.00
Public Housekeeping*	174	26	392	....	418	14.90 for waitresses and counter girls 14.20 for kitchen help and chambermaids April 4, 1922
	Percent					
Mercantile	92	0	1.8	98.1	100	
Manufacturing	15	0	31.0	68.9	100	
Laundry	11	0	58.0	41.9	100	
Telephone	14	0	68.1	31.8	100	
Public Housekeeping	174	6.2	93.7	....	100	

*Prescribed deductions from these rates were permitted for room and board furnished employees.

(Condensed and computed.) (Pages 52-56.)

(3) Reinvestigations for Compliance with Minimum Ordered.

North Dakota. Workmen's Compensation Bureau. Minimum Wage Department. Second Report. July 1, 1920, to June 30, 1922.

Table I. Weekly Rates of Wages during Summer of 1921.

Occupation	No. Investigated	Per cent. (Cumulative) of Women Receiving—											Official Minimum Wage Based on the Cost of Living*
		Under $10	Under $11	Under $12	Under $13	Under $14	Under $15	Under $16	Under $17	Under $18	Under $19	Over $19	
Mercantile	171	...	1	...	11	1	8	23	17	25	16	69	$14.50
Factory....	47	...	1	1	13	3	4	5	8	5	4	3	$14
Telephone.	113	1	4	6	21	16	16	23	20	1	...	5	$14 & $12**
Laundry...	94	2	2	12	19	11	13	6	12	3	9	5	$14
Waitresses	10	...	...	...	1	1	...	2	6	...	...	...	$14.90 & $14.20
Maids, etc.													April 4, 1922
Total	480	3	8	19	65	32	41	62	63	34	32	121	

*See Orders Nos. 1-5 for additional rates for learners.
**$14 in towns over 5000 in population, $12 in smaller places.

(Calculated) (Page 8.)

(4) Peculiar Local Experience.

North Dakota. Workmen's Compensation Bureau. Minimum Wage Department. First Annual Report. For Year Ending June 30, 1920.

The Bureau encountered more difficulty in securing the cooperation and testimony of employers; and testimony of this class is not as voluminous as that of employes. Information was also furnished by juvenile court judges, school teachers, university professors, professional nurses and others who have made a study of working and wage conditions of women and minors in industry.

While in part the testimony offered was not entirely reliable, the facts generally brought to light verified the data secured at the preliminary investigations and the average of estimates increased the minimum cost of living approximately $1.00 above estimates submitted by the

investigator prior to the hearings, thus bringing the estimated minimum cost of living up to $17.65. Many testimonies revealed appalling conditions to exist among working girls and women of the State. (Page 25.)

One interesting fact among others was brought out at these hearings: the general impression that girls who live at home do not need as much money as those who board and room away from home. Acting on this supposition employers often insist that their employes live at home. At the same time the testimony of many such girls revealed that they not only have to support themselves, but in many cases have to further lend assistance toward the support of the home or that they have dependents. In factories, laundries, telephone exchanges and variety stores, where very low wages were being paid, employers often advanced this statement as a justification of their wage scale and thus seemed to feel exempt from economic responsibility toward their employes. (Page 28.)

North Dakota. Workmen's Compensation Bureau. Minimum Wage Department. Second Report. July 1, 1920, to June 30, 1922.

At the time when the first report of this department was submitted for the year ending June 30, 1920, the minimum wage department was involved in court proceedings by temporary injunctions served upon the Bureau by the North Dakota Bell Telephone Company, the North Dakota Independent Telephone Company and allied independent telephone companies, and by the Laundrymen's Association of North Dakota, enjoining the Bureau from enforcing wage orders Nos. 2, 3, 4, 7, 9 and 12 . . . . the court held the orders invalid because when adopted there was not a full board present, but the court made no holding as to the validity of the law.

Pending the decision of the Court it was not possible for the Bureau to enforce the wage orders in any occupation for which conferences had been held and orders issued, since the validity of the method of adopting the

orders by the Bureau was the matter under consideration by the court. Also Orders No. 2, 3 and 4 affected all occupations for which orders had been made. When the decision of the court was rendered, while it did not expressly declare all the orders of the department invalid, it still made it impossible for the Bureau to attempt to enforce these orders.

Since the years 1919 and 1920 had reached what seemed a "high water mark" in living costs, and it was hoped and anticipated that expenses would appreciably decline within the next twelve months, the Bureau decided against taking the case to the Supreme Court, preferring rather to start investigations with a view to establishing a new standard of wages for the year 1922. Particularly did the Bureau feel justified in taking this step because of the fact that in the employments which had not brought action against it considerably over fifty per cent of the employers were paying the minimum wages established by the Bureau, and even in the employments which had brought action, many independent companres were complying with the wage orders.

While there are still many who are opposed to legislation regulating the hours of employment and wages of women workers and those who maintain that such laws will force women out of industry, it has been encouraging for this Department to see that this group has appreciably decreased; and that in spite of the Bureau's inability to enforce its orders, an appreciation of minimum wage legislation and the benefits to be derived therefrom, not only by employes but also by the employers, has already begun to develop. (Pages 1-2.)

Since April 4, 1922, when the new minimum wage orders went into effect investigations have been made covering women employed in the public housekeeping, manufacturing, mercantile, laundry and telephone occupations in (16) cities.

The objects in mind in making these investigations have been to adjust the wages of women to the minimum when the wages paid were below the minimum. (Page 50.)

U. S. Bureau of Labor Statistics. Monthly Labor Review. Minimum Wage Orders in North Dakota. April, 1922.

The operation of the minimum wage law of North Dakota has been affected by the opposition of some of the employers of the State, notably the telephone companies. The act was approved March 6, 1919, its enforcement being intrusted to the workmen's compensation bureau of the State. Disputes as to the capacity of the commission to act during a period of incomplete organization were submitted to the court, and an injunction was issued restraining the operation of the orders first promulgated until the question of legality was finally determined. The opposition, therefore, did not address itself to the nature of the law, and the compensation bureau chose to drop the contest as to the jurisdictional authority, and, in its reorganized form, to issue a new set of orders. No attempt was ever made to enforce the orders first issued, though technically they remained as orders of the bureau.

Conferences called for the purpose of considering the new orders were said to be very harmonious and indicative of a general feeling of good will. Representatives of the employers' association and of one of the larger telephone companies are reported as expressing themselves as satisfied with the orders adopted and contemplating no opposition thereto. The original list of orders, 8 in number, is not completely covered by the revised list, there being but 5 adopted on February 3, 1922. The occupations formerly covered that are omitted up to the present time are personal service, office occupations, and student nurses. It is said that there is no present need apparent for orders in these occupations. (Pages 100-101.)

Oregon.

(1) Minimum Wage Orders. [Summarized.]

No. 36. *Special Regulations.* Effective June 12, 1918.

3.—When business conditions render it impracticable for an employer to furnish to any employe full time employment, the employer shall not be required to pay such employee any greater sum than the hourly wage for the number of hours of actual employment, provided such employer shall so arrange consecutive hours of continuous employment that each employee may have a fair opportunity for securing such employment as will enable her to earn a full week's wage.

Effective October 14, 1919.

Nos. 37-43, 45. *Mercantile, Manufacturing, Personal Service, Laundry, Telephone and Telegraph, and Public Housekeeping.* Experienced females, $13.20. Learners (except in Mercantile and Telephone): 4 months at $9, 4 months at $10.50, 4 months at $12. Learners in Mercantile, 1 month at $9, 3 months at $10.50, 4 months at $12. Learners in Telephone: 3 months at $9, 3 months at $10, 3 months at $11, 3 months at $12.

Deductions permitted for room furnished, $2 a week, for board, $4.50 a week and a proportionate amount for less than a week.

No. 44. *Offices.* Experienced females, $60 a month. Learners: 4 months at $9, 4 months at $10.50, 4 months at $12.

No. 46. *Minors.* 14 to 16 years, $6; 15 to 16 years, $7.20; 16 to 18 years, for 6 months at $8.50 and for each six months thereafter at an increase of $1 a week.

No. 47. *Packing, Drying, etc.* For Packing, Drying, Preserving, or Canning any Variety of Perishable Fruit or Vegetables.

Piece Rates.

Occupation and Variety.	Minimum Piece Rates Per 100 lbs.	Per 40 lbs.
Cutting Apricots	38-¼c	15-3/10c
Cutting Pears	67-¾c	25-½c
Cutting Cling Peaches	38-¼c	15-3/10c
Cutting Free Peaches	21c	8-½c
Cutting Tomatoes	5-1/10c per 12 quarts	
Peeling Apples	4¼c per 40 lb. box	
Quartering Apples	15-3/10c per 40 lb. box	
Hulling Strawberries	1-7/10c per pound	
Stemming Cherries	2/5c per pound	
Sorting and Stemming Cherries	½c per pound	
Sorting and Stemming String Beans	1-1/5c per pound	

Occupation and Variety	Size of Can	Minimum Piece Rates per dozen cans
Canning Apricots, Pears and Peaches	No. 2-½	2-½c
Canning Apricots, Pears and Peaches	No. 10	6-1/10c
Canning Apples	No. 10	3c
Canning Strawberries, Loganberries, Blackberries, Raspberries and Cherries	No. 2	1-7/10c
Canning Strawberries, Loganberries, Blackberries, Raspberries and Cherries	No. 2-½	2-1/8c
Canning Tomatoes	No. 2-½	1-7/10c
Canning Tomatoes	No. 10	4c

A uniform basis for facing Prunes in 25-lb. boxes, double faced, of ..... 5-1/10c per box

Time Rates.

Class	Minimum Time Rate
Experienced workers	27-½ cents per hour
Inexperienced workers	22 cents per hour

These rates apply to adults and minors alike. Period for inexperienced shall be limited to three weeks.

In reference to females employed in canneries or driers or packing plants, see following extract from Chapter 163, Session Laws of 1917, Section 5037:

"* * * females employed in harvesting, packing, curing, canning or drying any variety of perishable fruit, vegetable or fish; provided, further, that they be paid time and a half for time over ten hours per day when employed in canneries or driers or packing plants. Provided, also, that piece workers shall be paid one and a half the regular prices for all work done during the time they are employed over ten hours per day."

Notice: According to a ruling of the attorney general, the term "regular prices" in above statute shall be construed to mean the rate being paid to any individual worker for a day's work of ten hours; if a piece worker, it shall mean the rate per piece or number of pieces, paid to any individual worker during any period of ten hours.

(2) Wage Investigations.

(No reports of investigations have been printed.)

Problems in Rate Fixing.

Oregon. Industrial Welfare Commission. Fourth Biennial Report. 1919-1920.

One fact stands out clearly—the apprenticeship periods of the Oregon Industrial Welfare Commission orders are too long, and changes are earnestly recommended to future conferences.

Wisconsin is the only state which has given much attention to this vexing question, but only for what are known as skilled trades. Washington, California and Massachusetts have defined periods.

We found that the factory processes are separate and distinct from each other. We found, also, that it is not a general practice to teach the operative all the processes

and that the worker does not want to be transferred to another department after she has become so well acquainted with the work in the one department that her wages have been raised.

On the other hand, it is not fair to the employer to compel him to pay an increased wage to the girl who must either be transferred to another department or be laid off because the work in her division has slacked up, and who is totally ignorant of the new process. To illustrate, the girl who has been wrapping caramels in a candy factory for four months and asks for a vacant chair at the chocolate dippers' table should not expect the second period wage required by the Industrial Welfare Commission order. She is as new to dipping chocolates as she was the first day she entered the factory and began to wrap caramels in the little waxed squares of paper.

Or in the woolen mills, a worker may be adept as a spinner and the veriest greenhorn as a weaver. The Commission is therefore giving close study to the problem of the young worker and hopes to work out a plan which is more acceptable than the present method to all concerned.

In mercantile occupation we do not find the same degree of specialization. While each firm has its own peculiar policies, the methods in the sale of merchandise do not vary greatly, and a transfer from one department to another may mean only an acquaintance with a new stock. Personal factors are always involved and a woman may be much more skillful and more interested in selling pots and pans than she would be at the lace counter. But it is not the same question as it is in factories and needs an entirely different treatment.

Apprenticeship as at present controlled presents the "sore spot" in industry. The skilled or trained or experienced worker soon fits into place, but in diagnosing the case of the new untried worker, the skill, patience and vision of the industrial engineer is required. If we would take from industry much of the unrest, and if we would reduce, in large degree, the percentage of labor

turnover which is appalling among the young workers of today, we must bring to their introduction into industry a greater degree of sympathy, interest and skill. (Page 14.)

Apprenticeship Schedules in States Having Industrial Welfare Commissions.

States	Mercantile		Manufacturing		Laundry		Office	
	Full term in months	Periods in months	Full term in months	Periods in months	Full term in months	Periods in months	Full term in months	Periods in months
Oregon	8	1-3-4	12	4-4-4	12	4-4-4	12	4-4-4
Washington	8	1-2-2-3	A—Garment making 9	1-3-2-2-1	4	1-1-1-1	A—General office work 6	1-1-2-2
			B—Tailoring, etc. 9	1-2-2-3			B—Doctors and dentists 4	1-1-1-1
			C—Printing 8	3-2-2-2			C—Bill clerks, etc., and cashiers in motion picture houses 4	1-1-1-1
			D—Chocolate dipping 6	1-1-2-2				
			E—Box, candy, etc. 4	1-1-1-1				
			F—Sorting, paper mills 4 weeks	1-1-1-1 wks.				
			G—Brush making 8 weeks	2-2-2-2 wks.				
			Brush finishing 4 weeks	1-1-1-1 wks.				
California	12	6	6	3	6	3	6	3
British Columbia	12	3	.....	.....	12	4	12	3

	Public housekeeping		Personal service		Telephone		Telegraph		
	Full term in months	Periods in months	Full term in months	Periods in months	Full term in months	Periods in months	Full term in months	Periods in months	Canning full term
Oregon	12	4-4-4	12	4-4-4	12	3-3-3-3	12	4-4-4	
Washington	.....	.....	.....	.....	7	1-2-2-2	7	1-2-2-2	
California	.....	.....	.....	.....	.....	.....	.....	.....	4 weeks
British Columbia	.....	.....	.....	.....	9	3-3-3	9	3-3-3	

Under the I. W. C. ruling, however, a worker who spent four months at sorting, four months at spooling and four months at spinning, would, if she were advanced to the weave room at the end of a year's employment, be entitled to the minimum wage, although she would enter upon the same course of training that the new worker who has never spent an hour in the mill must accept. It is an extremely complicated question and requires much more time and thought than we have been able to give to it.

Candy and Cracker Factories.

Here we find a larger number of processes than in the woolen mill, none of them requiring the same long period of training except, perhaps, the department of chocolate dipping. None of the girls in this department placed her period of training at less than one year.

While making this study we found a case of chocolate poisoning—our first contact with that type of occupational disease. Both hands and wrists of the girl were affected, and she was quite helpless as they were entirely covered with bandages. She had then had the disease for about six months, and as occupational diseases are not covered by our workmen's compensation act, her condition was pitiable. We are glad to note that the recommendations of the Committee of Fifteen appointed by the Governor to recommend amendments to the law have adopted resolutions covering occupational diseases.

Aside from the chocolate dipping, we find the following lines in candy work: packing, wrapping caramels and bars, fancy box finishing, bon bon dipping. None of these —or all of them together—should require the year's period of apprenticeship now allowed under the I. W. C. rulings.

In the cracker department, we have icing, packing, labeling and general work. Again do we feel justified in recommending a shorter period than one year.

Laundries.

We selected this industry for study as into it go so many women who have no particular skill in any direction that has been acquired through any process of training.

Here we find four definite departments: marking room, wash room, mangle room, finishing. Much of the work is machine tending, excepting the marking and hand ironing. Experienced workers and some of the employers quoted two months as a sufficiently long period. We did find some employers who still cling to the theory that a year's time is necessary.

Chambermaids.

No trial period should be required in this classification. Neither the women nor the employers felt that a year was a just period.

Waitresses.

The general opinion favored a six weeks' period. But as to cooks, our questions were met more than once with the expression, "Cooks are born, not made." It was suggested that a short trial period (not more than two weeks) be allowed to test the claim of the worker as to skill and experience. (Page 18.)

The investigator recommends a more intensive study of the problem of apprenticeship, both for the sake of the worker and the industry. This will require time, as it is too important to be passed over in one visit to any factory. (Page 19.)

A comparison of the Oregon-Washington apprenticeship schedules develops a question as to the reasonableness of the longer periods. Washington, with its larger number of industries, has been able to shorten its trial periods and these periods have been accepted by the employers. Oregon's trial periods are longer, to the

disadvantage of the employee, and when it comes to a question of competition over the Washington employer, to the advantage of the Oregon employer.

During the war period and the consequent scarcity of woman employees, no attention was paid to apprenticeship periods, and with the exception of certain department stores, apprenticeship wage rates were unnecessary. But now that wages are being lowered and help is plentiful, apprenticeship periods and wages again become an important factor.

Aside from the questions of periods and wages, comes the far more important question of irresponsibility of the average apprentice. Whether "hard times" will cure this remains to be seen, but the turnover in industry is heaviest among the new workers—the young boy and girl who are attempting their first jobs.

Into the solution of this end of the vexing problem enters the monotony of the task. The unaccustomed attention required for three and a half or four continuous hours before a release for the noon hour; the supervision of a taskmaster; the entire absence of the dramatic atmosphere which has colored the life outside the workshop; the standing or sitting in one place for hours is in contrast with the change from one classroom to another in the school just left behind, and when night comes, the muscles, tired from their unaccustomed strain, are helpers to the decision that "work somewhere else" may be "easier" or "pleasanter" or may "pay better" or have a "nicer foreman."

If industry continues to absorb the young and untried it must reorganize its method of handling them if it wishes to reduce its expense of their training.

There are some employers to whose credit we may mark a serious effort to meet the apprenticeship question, but most of them expect human nature to fit into their schedules of time, work and equipment without much preparation, and if there be friction, it is blamed on the employee rather than on the factory. There is much to be said on both sides, and but little to be said of efforts to solve the problem.

Licensing Apprentices.

No system of control of apprentices can be effectual without some sort of license. If Oregon should adopt the method in operation in Washington, a larger office force would be necessary, but some attempt should be made in the direction of some form of regulation. We give herewith the Washington procedure—it will be noted that the system limits the number of apprentices to 25 per cent of the total working force. The Oregon rulings do this also, but a constant inspection of pay rolls would be required to establish the faithfulness of employers in the observance of the rule. We quote from the fourth biennial report of the Industrial Welfare Commission of Washington, page 29:

"After studying other methods of state control of apprenticeships, the Commission has reached the conclusion that our state has used the best system, that of licensing each apprentice and limiting the number. (Page 16.) Blanks are furnished the applicants and these are filled out the day the employee begins her work and forwarded to the office of the Commission. When the license is issued it is dated the day of the application, thus covering all of her employment. The act does not provide a 'trying out' period. Any time not covered by the license is subject to the full minimum wage.

"The licenses are issued in duplicate, the original is sent to the employee and the duplicate to the employer. A record of each is kept in the office. If the blank is filled out carefully and all information given accurately, no woman can secure a second license in the same industry."

The following report shows divisions or processes in three typical industries: woolen mill, candy factory and laundry:

Woolen Mill.

Spinning Department: This work requires the longest period of training before the worker can attain a maximum efficiency. The usual custom is to place the beginner with an experienced worker for about three weeks; then

after an experience of about six months, the worker becomes about 65 per cent efficient. It requires from one and a half to two years' time before a worker can claim to reach his maximum period of skill.

Spooling Department: In this department the new worker is given a tuition period of from one to two weeks with an experienced operative. Then she is given a machine of her own with a guarantee of minimum wage and as much more as her skill will justify. After six months, she is rated as an experienced worker.

Drawing-in Department: The conditions and opportunities for progress are about the same as in the spooling department.

Weaving Department: In this department, the particular mill visited for this report has a room set aside for beginners. Here one of the best weavers in the mill acts as a teacher. After one week's trial, the newcomer is sent into the factory, and after six to eight months' work attains to a partial efficiency. To take rank with the weavers who earn the top-notch wages, requires at least a year, while some workers do not take the front rank under two years.

Finishing Department: Here we have three groups of workers—burling, fringe twisting, and cutting and folding. An attentive worker can become efficient in about thirty days. In these departments a less degree of skill is required, but the worker can add to skill, carefulness and neatness if she would swell her pay check.

In the woolen mill industry, we find that wool sorters, carders, dyers, finishers, spoolers, spinners and weavers represent just that many separate trades, and we are told that it is unusual to find any one person sufficiently skilled in all the processes to be able to earn the maximum wage at all of them. (Page 17.)

(3) Reinvestigation for Compliance with Minimum Ordered.

Oregon. Industrial Welfare Commission. Fourth Biennial Report. 1919-1920.

The Minimum Wage.

The minimum wage in the State of Oregon for an experienced adult woman is $13.20 a week. As referred to earlier in this report, but few industries made any pretense of recognizing such a low wage. At the present time, however, it is becoming more evident each week that it will soon become a more prevalent wage. (Page 19.)

Complaints.

Under minimum wage	22
Wages collected	17
Amounts collected through co-operation of the Industrial Welfare Commission	$1,370.94

More direct work could have been done with these complaints could more time have been given to personal investigations, but on account of limited office force much had to be done by correspondence which is not always a satisfactory method. (Page 10.)

(4) Peculiar Local Experience

Oregon. Industrial Welfare Commission. Fourth Biennial Report. 1919-1920.

Recommendations.

1. A field worker is needed for work outside of Portland and for investigations in Portland. The wide power given the Commission by the law offers a unique opportunity for usefulness to employer as well as to employee if there were workers in the Commission who could

devote to it the required study. The reasonableness of the Commission's action is recognized by most of the employers in Portland and in such other parts of the State as the Commission has been able to reach regularly through its offices, but there are large areas and many industries which entirely disregard the Commission's orders, either through complete ignorance of the law or working in the belief that it is a dead letter because they never see the Commission or its officials. It is most necessary for the welfare of the employees and in fairness to the employers that the industries all over the State should be given uniform treatment, and this can only be accomplished by frequent visits of an officer of the Commission explaining the law and the orders of the Commission, suggesting and urging necessary changes in practice, and only in the last event, and then surely, prosecuting cases where there is a flagrant and persistent disregard of the Commission's orders. The force employed is entirely inadequate to accomplish the desired results. The addition of one field worker would be an immense relief to the situation, and we trust that the appropriation will be increased sufficiently to provide for such an appointment.

The work of the two commissions, Industrial Welfare and Child Labor, is done by three people, and one of these on part time. There is an endless amount of detail in the child labor work, while complaints within the Industrial Welfare Commission jurisdiction absorb much patient attention and time. While many cases can be handled through correspondence, personal contact is much more satisfactory. One person cannot do all that needs to be done. To illustrate—the investigation as to sanitary conditions in orchards and berry fields resulted in a circular of instructions, but the secretary has been unable to make a second inspection to find out if any effort was made to obey the instructions. Common, decent provisions for comfort are necessities for workers, but some employers will do nothing unless fear of prosecution is before them. At least one field worker should be allowed the Commission.

2. Amendment giving the Commission authority to include collection of wages in prosecution for working an employee over time.

3. Amendment giving Commission right to include within classifications already established, any occupation not covered by conference recommendation, if the Attorney General decides that such occupation is under the jurisdiction of the commission. (Page 4.)

Conference to Increase Minimum Wage.

At the regular meeting of July 9, 1920, a letter was read from the Social and Industrial Betterment Committee of the Federation of Churches asking the Commission to call a conference to which could be submitted the question of increase of the minimum wage. The Commission replied that until the conference on women ticket clerks in railroad service completed its work, the consideration of the request would be postponed. On account of the unsettled industrial conditions which have developed since that time, the Commission has deferred action on the request.

Texas.

(1) Peculiar Local Experience.

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. Minimum Wage Law of Texas. January, 1921.

The Legislature of Texas in 1919 enacted a minimum wage law, creating a commission to establish rates of wages for women and minors employed in the State. This has met considerable opposition, and at the special session of the legislature in 1920 a resolution was adopted requesting the commission to fix no scales until the regular meeting of the legislature in 1921 when amendments would be considered. It was reported that the author of the act himself favored in particular a zoning provision, which would permit the establishment of different rates for different sections of the State. (Page 124.)

Fixing Rates.

The [cost of living] investigations referred to covered the entire State, and were said by the commission to be "more comprehensive than any subsequent investigations of the commission would be." It was held by the attorney general that the commission was without power to fix rates for different sections of the State, and it was chiefly on this ground that the objections above noted to enforcing the law were based. However, as the commission found by its investigation that the differences anticipated did not materialize, and "that no appreciabe difference exists in the cost of living between the small town and large city in the matter of living essentials," it was felt that the reasons for delay were largely removed. The commission took action on November 20, establishing rates [25 cents an hour] for females employed by telephone and telegraph companies, mercantile establishments, laundries and factories, the order becoming effective February 7, 1921. The time for the coming into effect,

therefore, falls after the meeting of the legisature (Jan. 11), which the commission felt to be a sufficient compliance with the resolution. (Page 125.)

Message with Veto of House Bill 161 (known as the Minimum Wage Bill). Governor PAT M. NEFF. *March 30, 1921.*

The Bill as it is written is unconstitutional and void because it in expressed terms exempts certain classes, domestic service, nurses, farmers, and ranch labor, telephone exchanges, mercantile establishments of all classes, women and minors whose compensation is measured by the piece only and such aged, defective, deficient or crippled persons as shall be licensed by the county judge for a period of twelve months.

If possible this bill is more defective and unworkable than the original law on the subject which was expressly repealed by Senate Bill 41.

I do not desire to be understood as saying in this veto that it is not possible to have a minimum wage bill which will be free from constitutional objection and which will be just and fairly workable and which should be enacted into a law, but this bill is not such an act.

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. Investigation of Cost of Living of Women Workers by Industrial Welfare Commission of Texas. December, 1920.

The Industrial Welfare Commission of Texas recently completed a cost of living investigation in 40 cities of the State covering a period of eight months, during which time 2,028 women were personally interviewed and asked to fill in sworn questionnaires giving an estimate of their cost of living during the three months preceding the time of the investigation, their figures being based on actual expenditures and not on what they considered would be a fair amount to spend for living. (Page 72.)

Average Weekly Cost of Living of 2,028 Women and Average Weekly Wages of 13,311 Women, in 4 Principal Industries in Which Women are Employed in Texas. [Furnished by Employers in 40 Cities.]

Industry.	Number of employees.	Cost of living per week. Total.	Cost of living per week. Average.	Average wages per week.
Telephone	303	$4,284.75	$14.14	$12.31
Mercantile	952	14,695.75	15.44	12.98
Laundry	375	5,166.75	13.78	9.39
Factory	398	5,831.50	14.65	11.52
Total.....	2,028	$29,978.75	$14.78	$11.98

(Page 73.)

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. Report of Industrial Welfare Commission of Texas. December, 1922.

The first report of the Industrial Welfare Commission of Texas, created by chapter 160 of the Acts of 1919, covers the experience of the commission, from June, 1919, to August, 1920, and embodies the results of two surveys made by the commission to determine the cost of living in the various sections of the State. It was found that the average cost of living per week in northern Texas, in the various industries covered, was $15.38; in southern Texas, $14.57; in eastern Texas, $12.77; in western Texas, $12.20; in central Texas, $15.61; and in northwestern Texas, the oil section of the State, $23.38. The industries investigated included telephone and telegraph companies, mercantile establishments, laundries, and factories, the four groups covering approximately 85 per cent of the employed women of the State.

For the State, the industries showed an average weekly wage of $12.31 in the telephone and telegraph industry, with an average cost of living of $14.14; in the mercantile industry wages averaged $12.98, and the cost of living, $15.44; in the laundry industry, wages, $9.39,

and cost of living, $13.78; and in factory work wages were $11.52, where the cost of living was $14.65. In the report averages are also shown by districts, by population, and by 40 cities.

The second survey, less extensive than the first, showed the average cost of living in the State in industries not covered by the first investigation to be $16.07, with considerable divergence by sections, though the general rate for the State was higher than at the time of the first survey, this survey being made "at the peak of high prices." Wages had somewhat increased, also, but continued to fall behind the cost of living.

The differences by localities led to a desire to prescribe a minimum wage adapted to the conditions disclosed by the investigation, but the attorney general of the State construed the law as permitting nothing but a uniform wage for the State as a whole. The legislature in extra sessions, both by petition by a number of its members and later by a concurrent resolution, requested the commission to set no wage until the meeting of the regular session in January, 1921, when there would be opportunity to remedy the defects believed to exist in the law. No action was therefore taken by the commission until the time of the convening of the legislature, when a rate was fixed, with the suggestion that some experience under the act would aid the legislature in formulating amendments. A general order applicable to the industries investigated fixed a rate of 25 cents per hour or $12 per week of 48 hours, with proportional rates for additional time worked. This order was to go into effect on the 7th of February, a month after the convening of the legislature.

The constitutionality of the act had already been tested in a case where a waitress had been discharged from her employment on account of having given testimony before the commission at a hearing in October, 1920. This was in violation of the protective provisions of the statute, and the employer was convicted, the conviction being sustained by the court of criminal appeals of the State on October 15, 1920 (Poye v. State, 230 S. W. 161).

At the time of its meeting to formulate the order, in November, 1920, the commission had the support of the decision in the Poye case, as well as the results of a third survey which was completed just prior to the date of the meeting. This disclosed an average minimum cost of necessaries amounting to $13.55, $1.55 in excess of the minimum fixed by the commission.

It may be added that since the above report was closed the legislature of the State repealed the act of 1919, and in a separate measure enacted a new minimum wage law. This, however, was vetoed by the governor, so that since that time no statute on the subject exists in the State. (Pages 107-108.)

Washington.

(1) Minimum Wage Orders. [Summarized.]

Nos. 23-24. *Public Housekeeping.* Effective October 4, 1921. All females (over 18), $14.50 a week, or $2.50 per day, or 35 cents per hour. Minors: 4 months at $12, 4 months at $13. *Deductions permitted,* for a sanitary and properly heated room, $2 per week; for board, 95 cents per day or 20 cents for breakfast, 30 cents for lunch and 45 cents for dinner.

No. 25. *Laundry and Dye Works.* Effective December 14, 1921. All females (over 18), $13.20. If a regular worker reports for work and it is not provided, unless she was notified of not being wanted, she is to be paid a half day's wages.

No. 27. *Telephone, Telegraph and Any Occupation* not specifically covered. Effective December 14, 1921. All females (over 18), $13.20.

No. 28. *Mercantile.* Effective December 31, 1921. All females (over 18), $13.20.

No. 29. *Manufacturing.* Effective January 22, 1922. Experienced women, $13.20, provided in different establishments she may be paid $12 for three months. Learners: $9 during first period of training, $10 during second period, $11, third period, $12, fourth period. Each establishment shall be provided with a schedule fixing the length of the periods, i. e., either 4 periods of 3 months each, 4 of 2 months each, or 4 of 6 weeks each, or 4 of 1 week each. Twenty-five per cent in any establishment may be learners.

No. 31. *Minors* (boys and girls under 18 years). Effective October 27, 1922. In any occupation or industry other than public housekeeping, $9 and an increase of one dollar a week after every six months until $13.20 is paid.

Washington. Department of Labor and Industries. First Report. For the Period Ending June 30, 1922.

Classification Under Public Housekeeping Order.

The term Public Housekeeping shall include the work of: linen room girls, chambermaids, cleaners, kitchen girls, dishwashers, pantry girls, pantry servers, waitresses, counter girls, bus girls, elevator operators, janitresses, laundry workers (except where a commercial laundry is operated), and any other occupation which would properly be classified under Public Housekeeping. The establishments shall include: hotels, rooming houses, boarding houses, restaurants, cafes, cafeterias, lunch rooms, tea rooms, apartment houses, hospitals (not nurses), philanthropic institutions, and any other which may be properly classified under this industry. (Page 100.)

Washington. Industrial Welfare Commission. Third Biennial Report. 1917-1918.

. . . the minimum wage applying to factories is now held to apply to canneries, through an opinion rendered by the Attorney General's office. And while the present regulations cannot prevent the employment of a woman in a cannery for more than eight hours per day or six days per week, her legal wage must be paid for forty-eight hours' service. Thus another advanced step has been taken in bringing about better conditions in the canning industry. (Page 22.)

(2) Wage Investigations and Minimum Wages Ordered.

Washington. Industrial Welfare Commission. Bulletin No. 1. Survey of Public Housekeeping Industry. February 13, 1920.

Tables 1-2—Weekly Wage Received by Women.

	Under $13.20	$13.20	$13.20 to $15	$15 to $18	Over $18	Totals	Received Additional Compensation*	Official Minimum Wages Based on Cost of Living
Waitresses, Counter Servers, etc.	153	8	56	71	10	298	265	
Janitresses, Cleaners, etc.	10	2	5	3	4	24	5	
Chambermaids, Linen Girls, Parlor Maids	28	60	92	45	2	227	37	$13.20 Nov. 10, 1918
Elevator Operators	6	7	8	1	...	22	3	
Cashiers, Checkers, etc.	7	4	16	18	6	51	38	
Pantry Helpers, Kitchen Helpers	44	15	34	19	4	116	92	$18.00 June 2, 1920***
Plain Cooks, Special Cooks, Assistants	5	...	15	8	22	50	48	
Housekeepers, Matrons	6	...	9	11	16	42	29	
Totals	259	96	235	176	64	830	517	

*Either room or room and board or meals.

**Order No. 18, Sept. 10, 1918, and for additional rates for minors see Order No. 19, Sept. 19, 1918

***See Order No. 21, April 3, 1920, for value of other compensation than wages.

(Combined) (Page 2.)

The survey was a personal one made by investigators who interviewed each woman and noted facts.

Of those receiving under $13.20 per week 195 received room or meals, 44 worked only a few hours per day in tea rooms or cafeterias. Some of this group were being charged as much for their meals as the customers were paying. There were no technical violations of the law, although the margin was very small in most cases.

Of those receiving $13.20 per week only four received board and room. (Page 3.)

A large number in the next group, $13.20 to $15.00 per week, were receiving $13.85 per week or $60.00 per month without board or room, especially in the chambermaid occupation. (Page 3.)

Those reporting on tips were almost all from the waitress group, numbering 226. (Page 4.)

Washington. Industrial Welfare Commission. Bulletin No. 2. Survey of Manufacturing Industry. April 10, 1920.

Number and Per Cent of Women Receiving Wages of—

	No. Investigated	Under $13.20	$13.20	$13.20 to $15	$15 to $18	$18 to $20	$20 to $25	Over $25	Official Minimum Wage Based on the Cost of Living*
Over 18 years of age....	823	..	147	235	233	83	95	30	
Apprentices over 18 years of age.....	32	32	..	...	...	..	..	..	
Minors under 18 years of age.....	136	23	42	35	30	5	1	..	$13.20 Nov. 10, 1918
Total Number.....	991	55	189	270	263	88	96	30	
Per cent (Cumulative)..	100	..	24.6	50.8	78.4	87.2	97.0	3.0	

(Compiled)

*See Order No. 18, September 10, 1918, and for additional rates for minors see Order No. 19, September 19, 1918.

This survey covers 87 manufacturing establishments (including canneries) throughout the State. It is not a complete survey, but a representative one.

Washington. Industrial Welfare Commission. Fourth Biennial Report. Laundry and Dye Work Survey. 1919-1920.

Age	No. Investigated	Number of women receiving wages of—							Official Minimum Wage Based on the Cost of Living*
		Under $13.20	$13.20	$13.20 to $15	$15 to $18	$18 to $20	$20 to $25	Over $25	
Over 18.....	709	56	43	214	281	60	43	12	
Under 18.....	30	..	9	11	10	..	..	..	$13.20 Nov. 10, 1922
Total No.....	739	56	52	225	291	60	43	12	

(Compiled) (Page 56.)

*See Order No. 18, Sept. 10, 1918, for additional rates for minors see Order No. 19, Sept. 19, 1918.
The 56 receiving less than $13.20 were working less than 48 hours.

Of the 333 receiving $15 per week or less their periods of experience were as follows:

4	over 10 years	79	6 to 12 months
16	5 to 10 years	50	3 to 6 months
53	2 to 5 years	25	2 months
41	1 to 2 years	65	1 month or less
114	or 34 per cent	219	or 66 per cent

(Compiled.)

The ages of the workers were:

30 per cent were under 25 years.
31 under 18 years
198 between 18 and 25 years
216 between 25 and 35 years
184 between 35 and 45 years
75 between 45 and 55 years
14 between 55 and 70 years
21 not reporting
Thirty per cent were under 25 years.

(Compiled.)

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. October, 1921.

Order Fixing Wages in Public Housekeeping in Washington.

The Industrial Welfare Committee of the Department of Labor and Industries of Washington, the successor of the Industrial Welfare Commission of that State, has issued as of August 5 a revision of the order fixing wages in public housekeeping. This is one of the industries for which an order superseding the war emergency order of September 10, 1918, had been issued, the order now superseded bearing date of April 3, 1920. The scope of the new order varies a little from its predecessor, cooks and housekeepers being omitted from

the list of persons to whom the order applies, though the question remains open whether the general term "any other occupation which would properly be classified under public housekeeping" would still bring these necessary employees under the order, even though not specifically named. The employment of females as bell hops (permitted under the earlier order) is forbidden.

From the list of establishments covered the present order omits cook houses in camps.

The rates are somewhat reduced, the wage of $18 per week, or $3 per day, or 37½ cents per hour of the 1920 order now being fixed at $14.50 per week, $2.50 per day, and 35 cents per hour. These rates are on the basis of a week of 48 hours and a day of 8 hours. The only imitation of the former order as to work time was, "not more than six days in any one week," though the daily and weekly rates evidently assumed an 8-hour day. The present order is more specific, and contains an emergency provision permitting 10 consecutive days' work "when a sufficient emergency exists, such as renders it absolutely impossible to secure sufficient substitute help." However, the emergency shall not preclude four days' rest in any 28-day period.

Very slight reduction is made in the amount that may be deducted where board is furnished, the total being 95 cents per day instead of $1 as formerly. Individual meals are rated, breakfast 20 cents, lunch 30 cents, and dinner 45 cents, instead of 25 cents, 35 cents, and 40 cents respectively, as formerly.

A companion order governing the employment of minors (persons of either sex under the age of 18 years) was issued as of the same date. Rates of wages are not changed from those fixed by the order of 1920 in the same field, nor are the hours of labor, the only change relating to the deductions for meals, which are the same as in the order for adults. These orders became effective October 4, 1921. (Pages 110-111.)

Washington. Industrial Welfare Commission, Fourth Biennial Report. 1919-1920.

Telephone Exchanges in Rural Communities.

In the latter part of 1919 new reports on the number of subscribers, i. e., the basis of classification were required to decide whether it would be necessary for the Commission to revise the old orders and raise the wages. It was decided, after consideration of the continued advance in cost of living, that $50.00 per month would be considered a minimum rate for these exchanges. As these new reports came in it was found that only a very few reported any wage less than the minimum decided upon. These reclassifications were made and those reporting less than $50.00 were taken up and to date all but three, which are under consideration, have voluntarily raised to the desired amount. The work of reclassification is not yet finished, some twelve companies having yet to be heard from.

The number of companies reported—90.

Number of exchanges classified B, Order No. 14—28.
Number of exchanges classified C, Order No. 15—32.
Number of exchanges classified D, Order No. 20—53.

It should be noted in this connection that the Pacific Telephone & Telegraph Company has not asked for classification under this act for its exchanges. It has used the apprenticeship schedule of the Commission starting the operation at $9.00 per week and at the end of the apprenticeship paying the minimum wage. (Pages 38-39.)

(3) Reinvestigation for Compliance with Minimum Ordered.

Washington. Industrial Welfare Commission. Second Biennial Report. 1915-1916.

For the purpose of obtaining actual facts concerning the effects of the minimum wage law, after two and one-half years of its operation the commission arranged a survey. (Page 100.)

This survey includes the most important mercantile establishments throughout the state. Each place of business was visited and the women employed by the firm interviewed. (Pages 129-130.)

The following summary shows (mercantile industry) the wages of all females, including minors, apprentices and adults:

No. receiving $6.00 and less per week	292
No. receiving over $6.00 to $7.50 per week	115
No. receiving over $7.50 and less than $10	19
No. receiving the minimum wage, (10) per week	1,392
No. receiving $10.50 to $11.50 per week	128
No. receiving $12.00 to $13.00 per week	453
No. receiving $13.50 to $17.00 per week	349
No. receiving $17.50 to $19.50 per week	95
No. receiving $20.00 to $24.50 per week	105
No. receiving $25.00 and more	51

(Condensed.) (Page 135.)

No. benefited by minimum wage law	812
No. raised $1.00 and less per week	159
No. raised $1.25 to $2.00 inclusive	168
No. raised $2.25 to $3.00	140
No. raised $3.25 to $4.00	101
No. raised $4.25 and over	27
No. raised but not giving amount	217
No. claiming law has held their wage down	27
No. stating law made no difference in wage or work	1,243

(Page 132.)

During the three years of the existence of the Industrial Welfare Commission, a large amount of money for wages due through under payments in violation of the minimum wage law, has been collected and paid over to women and minors so defrauded.

The amount collected without court aid was (214 cases)	$6,263.61
The amount collected through aid of court was (10 cases)	423.18
	$6,686.79
Amount due pending settlement (11 cases) (Combined) (Page 96.)	$1,274.98

There is little reason to doubt that if it were not for such provision through law and the means provided for its enforcement, the process of extortion that would be practised would be widespread. (Pages 96-97.)

Washington. Bureau of Labor. Twelfth Biennial Report. 1919-1920. November, 1920.

Report of Miss Marie Pidgeon, Assistant Labor Commissioner.

It has been nearly two years since I assumed the duties of Assistant Labor Commissioner.

In many cases of minimum wage violations I have been able to collect the wages due the working women without having to resort to court action. In this way I have avoided the delay and vexation that necessarily would result from such action.

Of such cases my records show that in my tenure of office I have collected $2,536.83. In addition to these collections, where failure to pay the minimum wage was involved, I have succeeded in securing approximately $3,000 in claims by women where the complaints were the result of confusion as to time employed or amount of wages promised or other causes. (Page 12.)

Washington. Industrial Welfare Commission. Fourth Biennial Report. 1919-1920.

Manufacturing Industry Apprentice Schedule.

Schedule A, covering garment making, is as follows:

1 month at	piece rates
3 months at	$ 9.00 per week
2 months at	10.00 per week
2 months at	11.00 per week
1 month at	12.00 per week

(Page 31.)

At the request of a group of garment manufacturers that the 25 per cent limit on apprentices and minors be lifted entirely or placed at 50 per cent and also on complaint of a large number of employees on the first month at piece rates, the Commission made a survey of the garment making industry during May and June of 1919.

It was found that the first month at piece rates resulted in a great many women earning less than sufficient to cover carfare and lunch for from three to six days, because they were kept on preliminary work which was not paid for at all and then on work with a very low piece rate.

Almost all the women reported that they were able to earn the minimum wage at the prevailing piece rates in a six-months' period.

As a result of this survey the Commission declined to extend the 25 per cent limit on apprentices and minors, took up special cases with the employers and proceeded to consider changes in the apprenticeship schedules for this industry.

The largest number [of licenses for apprentices] in any industry is in the manufacturing. This would not be conspicuous except in further analysis it shows that out of the total, 1,417 for the whole state, 1,050, or 74 per cent, were issued to six establishments; 711, or 50

per cent, were issued to four establishments in Spokane; 366, or 26 per cent, were issued to one establishment in Spokane, and 278, or 19 per cent, were issued to one establishment in Seattle. This indicates the spirit of a few employers in the state, which forces legislation to protect the women workers. (Pages 33-34.)

Wage Collections.

It has been the policy of the Commission and the Labor Department to permit the employer to reimburse the employee where there has been a violation of the wage orders. In nine instances has the employer refused to do this. The cases were taken to court and the fine collected as well as the wages, as provided for in sections 17 and 18 of the act. Only one case has been appealed to the supreme court of the state and in that the decision of the lower court in favor of the Commission was sustained.

The amount of back wages collected in the various industries between November 1, 1918, and September 15, 1920, were:

Industry	From Firms	For Persons	Amount
Mercantile	66	76	$1,541.73
Manufacturing	49	92	2,298.38
Telephone	8	18	255.71
Public Housekeeping	24	29	523.43
Laundry	7	11	71.18
Office	21	27	560.91
Totals	175	253	$5,251.34

Grand totals since June, 1914:

From firms	586
For persons	932
Amount	$22,561.19

(Page 44.)

Washington. Department of Labor and Industries. First Report. For the Period Ending June 30, 1922.

Average Weekly Wage.

January 1, to June 30, 1922, the average wage per week for working women in the State of Washington was figured from 295 payrolls secured by the Supervisor of Women in Industry, including 4,968 women employees, and is as follows:

	Eastern Washington Average	Western Washington Average
Heads of Dept. and Buyers	$42.91 per week	$54.95 per week
Other Employees (excluding minors and apprentices)	17.79 per week	19.75 per week

Telephones and Telegraphs.

The Pacific Telephone & Telegraph Company employed 113 apprentices and 54 minors in May, in June they employed 104 apprentices and 64 minors. This company, although permitted to start their apprentices at a rate of $10.00 per week, has never paid less than $12.00 for a beginning wage for apprentices and minors in any part of the State. In the cities of Seattle, Tacoma and Spokane beginners are started at a wage of $13.00 per week. (Page 112.)

Collections of Minimum Wage Claims.

From April 1, 1921, to June 30, 1922, there was collected the sum of $18,865.92 in minimum wage claims due to women workers in the industries of this state. These collections were made largely through the personal efforts of the Supervisor of Women in Industry, assisted by the branch offices of the department.

Branch Office	No. of Cases	Amount
Seattle	286	$ 7,670.81
Spokane	462	6,790.24
Tacoma	63	500.00
Olympia	73	1,746.87
Vancouver	19	2,120.00
Bellingham	2	38.00
	905	$18,865.92

(Page 111.)

Washington Minimum Wage. National Laundry Journal. Chicago. November, 1921.

At the minimum wage conference held in Olympia, Washington, September 29, by the State Department of Labor and Industries, to discuss wages, a recommendation that the old war-time minimum of $13.20 a week for women employed in laundries, dye works and dry cleaning plants be continued with suggested improvements in working conditions over those in effect during the war, was the unanimous decision of the conference. The hearing was a very brief one, and developed practically no opposition on either side, the conclusion being arrived at in record time.

A new provision in the recommendations provides for the payment of a half-day's pay to a woman who is regularly employed in any establishment and who reports for work in the regular course of employment, whether work is provided or not, unless such employee has been notified of not being wanted on that day; provided that notice to the employee is not required if the employee was absent the previous day, of her own accord.

The minimum wage set is of only nominal interest to the laundry-owners and cleaners and dyers in Seattle and other large cities of Washington, as the lowest wage paid has long been considerably higher than the minimum prescribed by the Welfare Commission.

(4) Peculiar Local Experience.

Washington. Industrial Welfare Commission. Fourth Biennial Report. 1919-1920.

Since its birth in the state of Victoria, South Australia, in 1896, minimum wage legislation has advanced steadily. The old questions "Does the minimum wage become the maximum?" and "Are the women displaced by men?" are obsolete. New questions, such as "What are the best methods of conducting conferences?" and "How can the cost of living budget be standardized?" are now heard. . . .

Nearly every state and province [of Canada] has increased the wage and adopted better conditions for its women during the past two years. In the interim of rapid advances in the cost of living, the women were compelled to economize in the extreme in order to live while the machinery of the state was working out a new wage and even when it came the cost of living had again soared far beyond the wages fixed. The fact remains that no wage has been advanced *with* the cost of living, but after it, always lagging behind. This fact argues for a more simple method of fixing wages so that they may rise and fall *with* the cost of living. (Page 8.)

It was believed that if the facts of the increased cost of living could be placed before the employers and employees of that industry, and before the disinterested public, a fair and living wage could be agreed upon. The burden of these working women, so many of whom have dependents, might by that much become less.

Most important to the employer and to the output of the worker is the sense of cooperation and mutual interest in the success of the undertaking. These conferences, if rightly used, would develop a spirit of fair play and sympathetic understanding on the part of both employer and employed. A knowledge of the risks and problems of investment would widen the outlook of labor and a recognition of the human factor would deepen and

enrich the vital experience of capital. Not as competing forces but as cooperating friends will employer and employed win abiding peace and prosperity. (Page 16.)

The war emergency conference called August 28-29, 1918, recommended a minimum wage rate of $13.20 for adult women workers. This was adopted and a blanket order issued covering "any occupation, trade, or industry throughout the state, during the period of the war." This order superseded "during the period of the war" all other orders previously issued. This order became effective November 10, 1918, and is still effective, since technically the war is not over. No peace treaty has been signed by the United States.

The minimum wage act provides that "when such commission shall specify a minimum wage hereunder, the same shall not be changed for one year from the date when such minimum wage is so fixed." Therefore, even in the face of rapid increases in the cost of living, the Commission could not change the wage until after November 10, 1919.

Early in the summer of 1919 the prices of food, shelter, clothing and fuel had increased to such an extent that the women who were still being paid the minimum wage found it scarcely enough for bare existence, leaving nothing for clothing, shoes and other necessities.

The appeals came so persistently and prices kept soaring so steadily that the Commission, at a meeting on November 14, 1919, decided to prepare a questionnaire and make a survey in the public housekeeping industry.

Public Housekeeping Conference.

The survey in this industry began December 23, 1919, and the reports began coming in with such pitiful appeals as, "At the present wage I am forced to cut down on everything except a place to sleep and something to eat," . . .

On January 16, 1920, the Commission decided to call a conference on public housekeeping for March 3-4,

1920. It was also decided to ask the state hotel association to recommend a member of this conference and as a parity to ask the waitresses' union of Tacoma to recommend a member. This was done and the persons recommended, together with other members were formally chosen on February 11, 1920, rules and regulations were adopted and a list of questions prepared to be presented to the conference. On February 13, 1920, the report of the survey was printed, and copies of it, with the federal reports on cost of living in the Monthly Labor Review, as well as other information, was sent to the conferees.

A brief survey of estimates of the women workers on a budget was made for the Commission for its information.

On March 3 and 4, 1920, the conference assembled in Olympia.

The recommendations which appear in the obligatory order [No. 21, providing an $18 minimum wage] were passed unanimously and signed by all the conferees. At the end of the conference the chairman announced that the public hearing for protests would be held on March 18, 1920, in Seattle. This was held as scheduled, also two more, one in Olympia and one in Seattle. Protests were heard and thoroughly considered by the Commission and on April 3, 1920, the recommendations as a whole were adopted and an obligatory order issued which became effective on June 2, 1920.

Manufacturing Conferences.

The survey began in February and the conference was called for April 28-29, 1920. The usual procedure was followed as in all conferences since the beginning of the work. The manufacturer who was recommended by the Spokane manufacturers was chosen as a member. The first day, April 28th, was the usual open day for general discussion and on the next day the conferees went into executive session. At this conference the employers were represented by their attorneys and

employed public accountants and except in a very few instances themselves refused to discuss any of the questions which were presented to the conference. The representatives of organized labor came with their cost of living estimates ready to discuss the cost of living of any article recommended. It was unusual in that it was the first conference in the history of the Commission which adjourned at the end of two days in executive session with no wage recommendation. (Page 19.)

The date fixed for the new conference was May 18-19, 1920. The usual procedure was carried out leading up to holding this conference excepting that the conferees were chosen by the Commission members regardless of recommendations from the outside. A petition presented by an attorney for a group of Spokane manufacturers asking for postponement of the conference was given careful attention but not granted. The objections presented by a group of Seattle manufacturers to one of the manufacturers who was chosen as a conferee was overruled as "insufficient reason." The conference was held on May 18-19, 1920, and was one of the hardest fought ones in the experience of the Commission. The same determination on the part of the employer not to talk over these questions with the employees freely and frankly was exhibited at this conference as at the first manufacturing conference. An employed public accountant presented the estimates of various accountants as to the amount necessary for an employed woman's budget. The significant thing about the estimates made by the public accountants was that in the face of rapid increases in prices they were able to reduce their estimates. One estimate of $16.50 per week as the necessary amount required was reduced after a few weeks to $14.45 per week. Another made an estimate of $15.00 per week for the first conference and was able to reduce it to $13.75 for the next conference. Two other accountants presented budgets which showed $13.91 and $12.95 per week as the necessary amount to maintain a woman in health.

These figures were presented as against the estimates

of factory workers that $22.09 per week was the necessary amount and the budget submitted in the U. S. Monthly Labor Review for a woman in Washington, D. C., which showed (without savings) $19.94 per week.

After two days of deliberation in private session, the conference presented the recommendation of $18.00 per week on a vote of 5 to 4, one of the employers later signing the resolution. The group of recommendations on conditions of labor was a unanimous vote. (Page 20.)

The Commission met on June 15th to consider the recommendations. In the interim between the conference and this meeting, Mrs. Geo. P. Hardgrove had resigned her membership on the Commission and Mrs. W. S. Griswold had been replaced by Mrs. Lucy E. Redpath. The motion to adopt the recommendations was made by Dr. M. H. Marvin and Mrs. W. J. Kennedy seconded it. The vote was a tie and the motion was lost.

Laundry Conference.

The laundry survey began in April and was finished and tabulated in May. The date set for the conference was June 3-4, 1920. This date was reconsidered and left indefinite on account of the necessity of calling the second manufacturing conference. No new date has been set for this conference. There are on file 13 petitions, signed by 396 laundry workers throughout the state, begging for a hearing. There are also numerous letters from individual workers, stating the difficulties in trying to live within the present minimum wage of $13.20 per week.

The Commission planned to take up the mercantile industry next and probably follow with telephone and telegraph, office, and then a miscellaneous conference covering all occupations not otherwise classified. In this way all the workers would have been covered. This work would all have been completed by the middle of September if there had been no delay by appeal to the courts and the inability of the Commission to agree on the

recommendations of the second manufacturing conference. Wage rates more in accord with the cost of living would have been established and the possibility of a return to the old wage rates established in 1914 would have been obviated.

Legal Status.

It is to be sincerely regretted that the women workers of Washington are compelled to make sacrifices because the employers may question at this time the constitutionality of an act which has been in force since 1914, with no previous attempt to interfere with the operation of the law. Conferences held in 1914 were attended by a mere "handful" of interested employers and employees, who were there to discuss the questions before the members, openly and freely. A spirit of harmony and cooperation was particularly displayed at the office conference when, after the discussion, the estimates of the employers and employees were just 50 cents apart on the amount necessary to maintain a worker in health, and the work of the conference was finished the first day. This year the employers came in large numbers, filling the Senate chamber to capacity, mute themselves, with a paid spokesman, an attorney, to represent them. These attorneys filed protests on the holding of the conferences, appeared at the public hearings with their same legal form of protest, attacking every move of the Commission. Paid accountants figured the costs of living and estimated budgets for the employers. The Commission proceeded as it had in all previous conferences and after the public housekeeping obligatory order was issued, on April 3, 1920, a group of hotel employers, through their attorney, filed in the superior court of Thurston County, on May 13, 1920, a petition for an injunction. During the proceedings leading up to the calling of the manufacturing conference a group of Spokane manufacturers, through their attorney, warned the Commission that they intended to "fight" all proceedings.

At the hearing of the petition filed on May 13th, Attorney General Mr. L. L. Thompson defended the Commission. The attorneys for the plaintiffs withdrew the petition for an injunction and asked for a writ of review. This was not granted by Judge Wilson.

This order became effective on June 2, 1920, and on June 10 another request for an injunction was filed in the same court by the attorney for the Spokane Hotel Company and also an attack on the constitutionality of the minimum wage act. These were heard together on July 26, 1920, Mr. L. L. Thompson ably defending the Commission. On August 7, 1920, Judge Wilson handed down his opinion, which approved the action of the Commission on every point.

Notice of appeal to the supreme court was filed on August 31, 1920, and argued on October 27, 1920. At this time no opinion has been handed down. (Pages 21-22.)

At no time has the $18.00 wage been seriously attacked as excessive. No one can prove that the cost of living has not at least doubled since 1914, yet the wage of $9.00 per week in the public housekeeping occupations established in 1914 remained in effect for four years without its legality being called in question. (Page 24.)

Wisconsin.

(1) Minimum Wage Orders. [Summarized.]

No. 2. *Telephone Exchanges.* 1. Day Period. For the 16 hour period, 6 A. M. to 10 P. M. of the same day, telephone exchanges shall pay their operators as a minimum for the number of hours indicated in the following schedule:

Size of Exchange	*Basis of Pay*
Under 200 telephones,	11/16 of the time on duty.
200-219 telephones,	12/16 of the time on duty.
220-239 telephones,	13/16 of the time on duty.
240-259 telephones,	14/16 of the time on duty.
260-274 telephones,	15/16 of the time on duty.
275 telephones and more,	time on duty.

2. Night Rest Period. For the 8 hour period 10 P. M. of one day to 6 A. M. of the following day telephone exchanges shall pay their operators for all of the time they are subject to call which is not included within the longest period of uninterrupted rest which the operators get on at least two-thirds of the nights they are on duty, but no exchange having night service shall pay its operators for a lesser number of hours than is indicated in the following schedule:

Size of Exchange	*Basis of Pay*
Under 300 telephones,	2/8 of the time subject to call.
300-499 telephones,	3/8 of the time subject to call.
500-624 telephones,	4/8 of the time subject to call.
625-749 telephones,	5/8 of the time subject to call.
750-874 telephones,	6/8 of the time subject to call.
875-999 telephones,	7/8 of the time subject to call.
1000 telephones or more,	time subject to call.

Exchanges in private residences, wages at the rate of 50 cents per month per phone.

No. 3. *Hospitals and Sanitariums.* That attendants in sanitariums who are employed for more than fifty five

(55) hours per week as a minimum shall be paid for fifty-five (55) hours per week.

No. 4. *Home Work.* "Home Workers" as a minimum must be paid such piece rates which yield the women and minor employees of the same employer who are of average ability and are employed in the factory, the rates prescribed in Order No. 1.

No. 5. *Intermittent Workers.* Women and minor employees who work intermittently shall be regarded as having completed the first three months of the learning period which is provided for in Order No. 1 after 600 hours of work in trade or industry, and the entire learning period of six months after 1,200 hours of work.

No. 6. *Tobacco Stemming Warehouses.* Effective March 30, 1920. Piece rate for stripping tobacco, 3½c per pound. Special licenses granted to handicapped workers, if at least 75 per cent of the women and minors, other than learners earn at least 25c per hour.*

No. 7. *Beauty Parlors.* Effective May 20, 1920. Learners for the first two months of employment do not come under Order No. 1, following 3 months, minimum, 18c per hour, next 3 months 20c per hour.

No. 8. *All Industries.* Effective August 1, 1921. Experienced females or minors (over 17), in cities with population of 5,000 or more,** 25c per hour; in other places, 22c. Learners: 3 months at 16c per hour, 3 months at 20c per hour. Minors: between 14 and 16, one year at 16c per hour, thereafter 20c per hour; between 16 and 17 years old, 20c per hour if they have been employed 6 months in industry, otherwise 16c; except that minors producing the same output as experienced females shall not be paid less than 25c per hour. In seasonal industries no learning period is recognized.

Emergency work in canneries: Canning peas, in excess of 10 hours a day at 33c per hour; canning beans,

*Industrial Commission's circular letter to employers. April 6, 1920.
**Includes communities and isolated establishments which are within the industrial area of such cities, although outside of their territorial limit.

cherries, corn or tomatoes, after 6 p. m. when in excess of 8 hours a day and on Sunday, at rate of time and one-half.

Deductions permitted: In cities with population of 5,000 or more, for room $2.50, for board $5.25; in smaller places, for room $2, for board $4.50.

Tips: Cannot be counted as part of the minimum wage.

Piece Rates: If piece rates yield to 75% of the experienced women and minor employees over 17 years old three cents per hour more than the regular time rate, the employer, for the other 25%, does not have to make up the difference between the earnings and the minimum wage.

Limitation upon number of learners: shall not exceed 25% of experienced women and minors normally employed in given establishment.

(2) Wages Investigations and Minimum Ordered.

Wisconsin. Industrial Commission. Minimum Wage Reports Called April 30, 1922.

Showing a comparison with last year as regards the percentage of the whole number (46,998) of minors of both sexes, and women age 21 years and over, in each of the stated age groups, we note:

Age group			Year 1921	1922
Minors, under 17			13.6%	8.0%
Minors, ages 17 to 21			40.3%	39.5%
Women	Age 21 years and over	1922	46.1%	52.5%
	Over 21	1921		

The differences in age distribution are due at least in part to the questionnaires used in these two years. The 1921 blank called for minors 17-21 and women over 21, while the 1922 blank called for minors 17-21 and

women age 21 years and over. It is believed each age group has a high "probable error," due to the incomparable nature of the questionnaires.

Hourly Earnings:

A. The tabulated hourly earnings for minors, both sexes, and women age 21 years and over (46,998 persons) shown by percentages of all minors and women receiving stated amounts, follows:

Amount	Years 1921	1922	Official Minimum Based on Cost of Living*
Less than 20 cents per hour	2.0%	2.3%	22c per hour Aug. 1, 1919
From 20 to 22 cents per hour.....	3.1%	4.2%	
From 22 to 25 cents per hour.....	13.3%	7.1%	25c per hour (places over 5000)
From 25 to 30 cents per hour.....	23.4%	33.5%	22c per hour (places over 5000)
Thirty cents and over per hour....	58.2%	52.9%	Aug. 1, 1921

*See Orders Nos. 1 and 8 for additional rates for learners and minors.

(Page 5.)

B. The percentage of all persons (46,998) of stated hourly earnings in each stated age group follows:

Hourly Earnings	Percentage of all persons (46,998) in each age group, receiving stated hourly wages, in years 1921-1922					
	Under 17		Ages 17-21		Ages 21 and over	
	1921	1922	1921	1922	1921	1922
Under 20 cents.....	60.5	56.3	25.2	28.6	14.3	15.1
From 20 to 22 cents...	55.8	32.6	30.0	36.2	14.2	31.2
From 22 to 25 cents...	26.9	21.5	40.3	46.4	32.8	32.1
From 25 to 30 cents...	16.1	6.8	40.4	42.9	43.5	50.3
30 cents and over.....	5.6	2.9	41.4	37.1	53.0	60.0

(Pages 5-6.)

Wisconsin. Industrial Commission. Earnings of Women and Minors in Wisconsin. April 30, 1921.

The table following has separated the hourly earnings in manufacturing and trade in small towns and

large towns. In both of these lines, lower wages are paid in small towns. Thus in manufacturing 33.5 per cent of the workers in towns under 5,000 in population received less than 25c an hour, while in towns over 5,000 in population only 16.9 per cent received less than 25c an hour. In trade (i.e. stores) the discrepancy is even greater. In towns under 5,000 in population 55.1 per cent of the workers received less than 25c an hour while in towns over 5,000 in population only 19.6 per cent received less than this amount. (Page 1.)

Comparison of Hourly Earnings in Large and Small Towns.

	Total		Under 20c.		20c.-22c.		22c-25c.		25c.-30c.		Over 30c.	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Total	32689	100	638	2.0	1023	3.1	4352	13.3	7644	23.4	19032	58.2
Mfg.	28657	100	517	1.9	864	3.0	3822	13.3	6427	22.4	17027	59.4
Trade	4032	100	121	3.0	159	3.9	530	13.2	1217	30 2	2005	49.7
Towns under 5,000												
Total	2201	100	82	3.7	83	3.8	584	26.5	589	26.8	863	39.2
Mfg.	2143	100	80	3.7	77	3.6	560	26.2	575	26.8	851	39.7
Trade	58	100	2	3.4	6	10.3	24	41.4	14	24.2	12	20.7
Towns over 5,000												
Total	30488	100	556	1.8	940	3.1	3768	12.4	7055	23.1	18169	59.6
Mfg.	26514	100	437	1.6	787	3.0	3262	12.3	5852	22.1	16176	61.0
Trade	3974	100	119	3.0	153	3.9	506	12.7	1203	30.2	1993	50.2

(Page 2.)

Problems in Fixing Rates.

Wisconsin. Industrial Commission. Minimum Wage Act. 1920.

Concerning Order No. 1. The recommendation of the Advisory Wage Board that the minimum wage rate should be upon an hourly basis is supported by testimony that many items in the cost of living of female and minor

employes vary directly with the number of hours they are required to work. Employes who have short hours of labor can without injury do much work for themselves which female and minor employes who work longer hours must hire others to do for them. This has reference especially to laundry, the repair and up-keep of clothing, and the making of some articles of clothing. Longer hours of labor, moreover, unquestionably mean increased fatigue, and it is now well established that fatigue is an important cause of sickness. Female and minor employes who work longer hours on the average will lose more time from work because of sickness. The shorter hour workers on the average work more days during the year because the morbidity rate is lower. For these reasons the Commission agrees with the Advisory Wage Board that the living wage should be established upon an hourly basis rather than at a definite figure per week which disregards the hours of labor.

The Commission also accepts the recommendations of the Advisory Wage Board that classification should be made and that the following classes should be recognized as female and minor employes unable to earn the living wage and should consequently be licensed as a class to receive a somewhat lower wage rate: Learners over 17 years of age; minors between 16 and 17 years of age; minors under 16 years of age. (Page 12.)

Female and minor employes who are above 17 years of age upon first entering an industry are unable to produce the same output as experienced employes. They are unacquainted with the industry and its operations. They cannot work with the same speed and efficiency as experienced employes, waste more product, and require more supervision. Their services are distinctly less valuable than those of experienced employes. If employers are not permitted to employ such learners at a lower wage rate, it is probable that beginners will not be able to secure the training which is essential to an opportunity for steady and remunerative employment in the future. Learners, consequently, should be placed

in a class by themselves during a short learning period; such learners should be licensed as a class to receive a lower wage rate. As soon as such learners have acquired reasonable efficiency, however, they should be paid a living wage. The Commission accepts the recommendation of the Advisory Wage Board that the learning period, during which less than a living wage may be paid, shall not exceed six months and that this period should be divided into two parts, each of three months' duration. After three months of experience an employe clearly is more efficient than during the first three months of his employment, and consequently should be paid a higher wage. (Page 12, 13.)

Permit children under 17 years of age are as a class clearly distinguishable from both learners and experienced employes. The cost of living of minor employes under 17 years of age we believe is somewhat less than the cost of living of adult female employes and older minor employes, although we are unable to estimate the exact difference. We believe also that the older the permit child the more nearly does his or her cost to living approximate that of the adult female employe and the minor employe over 17 years of age. The value of the service rendered by permit children also places them in a distinct class. Permit children lack the sense of responsibility of adults and older minors, and for most employments are distinctly less efficient. The further factor enters that all permit children are by law required to attend a vocational school for 8 hours per week during the day time in the months while these schools are in session, in all cities in which such schools are maintained. (Page 13.)

In recognizing as distinct classes learners over 17 years of age, minors between 16 and 17 years of age, and minors under 16 years of age, our purpose is to afford an opportunity to beginners to secure employment and training in industries which offer them a prospect of steady and remunerative employment. No employer should be permitted to make these classifications an

excuse for getting his work done at less than the minimum wage. We accept as reasonable that there must clearly be a limitation upon the percentage of the employes in an establishment who may be paid less than the minimum living wage, and consider the recommendation of the Advisory Wage Board reasonable, that this limit should be placed at 25%. This limitation should apply to all normal times. When there is an unusual situation which requires a great increase in the working force, the 25% limitation may be unreasonable and impracticable and is not intended to apply. When such unusual conditions prevail, the employers affected may take the matter up with this Commission, which is by law expressly authorized to make special as well as general orders to carry out the intent of the legislature.

The Advisory Wage Board has not considered and has made no recommendation upon the learning period in seasonal industries which operate for only a few months during the year. We believe, however, that the reasons which impelled the Advisory Wage Board to recommend that the number of employes in any establishment to whom less than the minimum living wage may be paid shall not exceed 25% of the total number of the female and minor employes normally employed, also led to the conclusion that no learning period should be recognized in seasonal industries which operate for only a few months during the year. Such industries furnish no prospect of steady employment. Employes in such industries either cannot work throughout the whole of the year, or must undergo a learning period in another industry. (Page 14.)

Concerning Order No. 2. Telephone companies are clearly employers within the meaning of the minimum wage act. Nor has any claim ever been made that it cost telephone operators less to live than women and minor employes, in other occupations. No valid reason can be urged why telephone companies should not pay a living wage to their operators, and the great majority

of the telephone managers have stated that they regard the determination that the minimum living wage is 22 cents per hour to be fair and reasonable.

While telephone companies are subject to the minimum wage law in the same manner as are all other employers of women and minors, special problems are presented with reference to the determination of the number of hours of labor of their operators. Nearly all telephone companies in the state give service for twenty-four hours a day and for seven days of the week. In the smaller exchanges, however, there are often long periods when there are no calls at all, especially at night. Some interested parties have urged that even in the smallest exchanges where the operators get hours of uninterrupted sleep the telephone companies should be made to pay for all of the time the exchange is open. Such a proposition is not fair to the companies; they should not be required to pay for long periods of uninterrupted rest. On the other hand, fairness demands that the operators should be paid for all of the time they put in for the telephone companies during which they cannot get extended periods of rest which they can utilize to real advantage for sleep or other work. (Page 16.)

The problems presented are two-fold. For the smallest exchanges a well-founded claim can be made that even during the day hours the calls are so light that the operators have much time which they can utilize for other work. For these exchanges and for others which are considerably larger, there also arises the problem of determination of the hours for which the night operators shall be paid who sleep between calls.

Upon both of these problems the commission has conducted extensive hearings and investigations. On August 14, 1919, the commission addressed a circular letter to all telephone companies advising them that the minimum wage law and the order made pursuant thereto applies to telephone companies, but that the commission would deal with the matter of determining the num-

ber of hours for which the operators should be paid in a supplementary order. It was to be understood, however, that any determination made must date back to August 1, 1919, when the general minimum wage order became effective. At the same time the commission asked the companies to keep a peg count, covering a period of one month for the night operators and a period of at least one week for the day operators, showing the number of calls, both local and toll, during each hour of the day. This information was furnished by most of the telephone companies and has been analyzed and compiled by the commission. This peg count data has been supplemented by investigations made by the women's department of the commission covering a large percentage of the telephone exchanges of the state. These investigations were made on the ground, and through them the commission gathered the point of view of both the operators and managers.

A public hearing upon the application of the minimum wage law to the telephone companies was held at Madison on October 8, 1919, and was attended by a large number of the telephone managers and a few of the operators. The telephone companies were also represented at subsequent meetings of the Advisory Wage Board when this problem was discussed, and on each occasion they presented further statements as to the nature of their problem. These statements were also supplemented by many letters which came in both from telephone managers and from telephone operators. (Pages 16-17.)

The Advisory Wage Board sat with the commission in the public hearing on October 8th. It again took up this problem in a meeting held at Madison on November 18, at which time a sub-committee was named to prepare tentative recommendations to the commission. The sub-committee met at Madison on November 28, and was agreed upon a plan to be submitted to the full board as a basis for discussion. The board met at Milwaukee on December 19, 1919, and gave consideration to the plan

prepared by the sub-committee and an alternative plan submitted by Mr. J. C. Storkerson on behalf of the State Telephone Association. After thorough discussion of the problems involved, the committee unanimously agreed upon recommendations to be made to the commission, which unanimous recommendation, the commission accepted as representing a fair solution of the problems presented, but with one minor modification relating to toll lines. (Pages 17-18.)

There can be little dispute as to the actual facts regarding the work done by the operators in small telephone exchanges. The smallest telephone exchange in the state of which we have any record serves but five subscribers, and there are at least forty-three exchanges with less than 100 telephones. Of these forty-three exchanges, four are operated in connection with stores, twenty-five are maintained in private residences, and fourteen are in separate offices. It is clear that in these smallest exchanges, and in others that are somewhat larger, the operators are not actually answering calls every minute. It is also clear that the smaller the exchange the smaller is the total number of calls which the operators must answer. While local conditions somewhat affect the number of calls, the peg counts filed with the commission show conclusively that it is primarily the size of the exchange which determines the number of calls, and that exchanges of the same size all have approximately the same number of calls during the day hours at least. As to the night calls, local conditions such as night trains and the number of business houses open all night, cause greater variations.

Some of the telephone managers urged that the commission base its determination upon the number of calls answered by the operators. They urged that in many of the small exchanges, the operators do not answer as many calls all day as does the average operator in a large exchange in one-half hour. The commission believes that there is no warrant in law for the adoption of such a standard. The minimum wage act provides

that all women and minor employes shall be paid a living wage. It certainly costs a woman just as much to live whether she answers few or many calls. The commission can take cognizance only of such periods of no work for the operators which they can employ to advantage in doing work for themselves or for sleep.

In the small exchanges which are located in private residences, and which are operated by the members of the household, the operators can use the periods when they are not busy at the switchboards to the fullest advantage. Many exchanges in this state are operated by a housewife who in addition to her work at the switchboard does all of the work of the household. It is also clear that in such small exchanges located in private residence and operated by the members of the household, the time which can be devoted to work other than at the switchboard varies inversely with the number of calls to be answered.

At the meeting of the Advisory Wage Board held on December 19, 1919, a sharp contest developed over the question whether the minimum rate to be paid the operators in private residences should be 40c per month per phone or 50c per month per phone. Under the 40c plan, which was presented by Mr. Storkerson on behalf of the State Telephone Association, the telephone companies will have to pay less for operators' wages in exchanges up to 300 phones if they are located in private residences than if they are located in separate offices. Under the 50c plan this advantage to the telephone companies in having the exchange located in a private residence disappears after an exchange serves 200 telephones. The evidence before the commission establishes that in exchanges with above 200 telephones the time of the operator is required quite steadily at the switchboard. Consequently the telephone companies having exchanges of this size should not be allowed to pay their operators a lesser wage because they are working in their own homes and are supplying their own office quarters. We regard the recommendation of the Advisory

Wage Board that the minimum wage for operators in exchanges located in private residences which are conducted exclusively by members of the household shall be 50c per month per phone, to be fair and reasonable and consistent with the other recommendations made by the board. (Pages 18-19.)

Small telephone exchanges which are conducted in connection with stores give rise to no special problem. In such cases the contract for the conduct of the exchange is made with the proprietor of the store, and the operators are his clerks who spend part of their time at the switchboard and part of their time in their other duties about the store. These clerks clearly should be paid for all of the hours they are working at the rates prescribed in the minimum wage order. The commission is not concerned with how much money the storekeeper gets from the telephone company. This is a matter solely for adjustment between the storekeeper and the telephone company, but the storekeeper must pay the minimum wage.

Exchanges which are located in separate offices present a much more serious problem. There is no question that in the small exchanges located in separate offices the operators have much time for themselves. They cannot, however, utilize their spare time as advantageously as can the operators who are members of the household in which another exchange of the same size is located. There is no doubt, however, that they can do much work for themselves which will reduce their cost of living and sometimes can make articles for sale.

With reference to the smallest exchanges which are located in separate offices, the sub-committee of the Advisory Wage Board which drafted the tentative plan for discussion originally proposed that during the sixteen hour period from 6 A. M. to 10 P. M. the operators should be paid on the basis of half of the time while they are on duty, that is for eight hours. The alternative plan presented by Mr. Storkerson on behalf of the State Telephone Association, provided that these smallest ex-

changes should pay for twelve of the sixteen hours. After discussion of the problem, the Advisory Wage Board at its meeting on December 10, 1919, arrived at the conclusion that in the smallest exchanges which are located in private offices, payment for eleven of the sixteen hours should be accepted as the minimum basis. It also recommended that for exchanges with between 200 and 219 telephones the minimum number of hours to be paid for between 6 A. M. and 10 P. M. should be twelve; for exchanges with between 220 and 239 telephones, it should be 13 hours; for exchanges with between 240 and 259 telephones, fourteen hours; for exchanges between 260 and 274 telephones, fifteen hours, and for exchanges with 275 or more telephones the full time on duty should be counted. This recommendation we accept as a reasonable solution of the problem. The peg count and other data on file in this matter clearly establish that for exchanges with 275 telephones or more there are no considerable periods between 6 A. M. and 10 P. M. when there are no calls. (Pages 19-20.)

With reference to the period from 10 P. M. to 6 A. M. there are much longer stretches of time even in the large telephone exchanges in which there are no calls. In all but the largest exchanges and a few smaller exchanges in which local conditions cause an unusual number of night calls, the operators lie down to sleep but answer calls as they come in. It was urged that the telephone companies should be exempted from paying their night operators for the total of the periods of sleep between calls. This basis was suggested by companies whose peg counts established that there were calls during every single hour of the night. It is true that even in such exchanges there are snatches of sleep, but this sleep is so interrupted that the night operators must sleep during the day time. After discussion of the problem the telephone managers accepted the point of view of the sub-committee, namely that only periods of uninterrupted rest of extended duration should be counted out. The principle finally accepted by the Advisory

Wage Board, as well as by the telephone managers, was that all telephone companies should pay their operators for the period from 10 P. M. to 6 A. M. for all of the hours which are not included in the longest rest periods which the operators get on at least two-thirds of the nights they are on duty. This principle requires the telephone companies to pay their operators for all of the time during which they do not usually get uninterrupted rest, but exempts them from paying for the longest period of sleep. The commission made a careful analysis of the peg counts supplied by the telephone companies, which covered in most cases a thirty-day period in the last half of August and the first half of September. From this analysis it is clear that in exchanges above 1000 telephones the periods of continuous rest are very short indeed, and there is no question that the operators in such exchanges must sleep during the day time. For exchanges below 1000 it is apparent that the longest rest period normally varies inversely with the size of the exchange. There are some exchanges, however, which serve but a small number of telephones which have calls every hour. In justice the operators in such exchanges should be paid for all of the time during which they do not normally get uninterrupted sleep. (Page 20.)

Upon this question of the payment for the period from 10 P. M. to 6 A. M., also, there were alternative plans presented by the sub-committee of the Advisory Wage Board and by Mr. Storkerson on behalf of the State Telephone Association. The plan of the sub-committee again was the more liberal to the small exchanges and less liberal to the larger exchanges. The plan of the sub-committee required payment in exchanges having under 300 telephones for only two of the hours between 10 P. M. and 6 A. M., while Mr. Storkerson's plan required payment for four hours.

The plan of the sub-committee was based upon the actual peg counts in August and September. The minimum number of hours to be paid for conforms closely

with the actual average longest periods of sleep for exchange in the class indicated. It provides further that if in an exchange the operator actually does not get uninterrupted periods of rest of as long duration as are usual in exchanges of the same size, that they shall be paid on the basis of actual conditions.

It was strongly urged by Mr. Storkerson and other telephone managers that the commission should provide that if in exchanges the longest period of uninterrupted rest which normally prevails is longer than that allowed for in the minimum schedule suggested by the Advisory Wage Board, they should be allowed to take a lower classification. This amounts to entirely eliminating the minimum schedule. Were the commission to accept this basis, it would have to hold that a girl should not be paid anything at all for spending the night in a telephone exchange, and being on hand to answer calls. The peg count shows that there are many exchanges during which on two-thirds of the nights covered the operators have an uninterrupted period of rest from 10 P. M. to 6 A. M. and in some cases even from 9 P. M. to 6 A. M. We cannot find that these operators are rendering no service at all, and we believe that the minimum basis unanimously recommended by the Advisory Wage Board is fair in every respect. This recommendation provides that in exchanges with less than 300 telephones the operators must as a minimum be paid for two hours for their work from 10 P. M. to 6 A. M., in exchanges with between 300 and 499 telephones for three hours; in exchanges with between 500 and 624 telephones for four hours; in exchanges between 625 and 749 telephones for five hours; in exchanges between 750 and 874 telephones for six hours; in exchanges between 875 and 999 telephones for seven hours and in exchanges with 1000 telephones or more for the full time on duty.

The commission is convinced that the telephone managers who urged that even in exchanges with over 1000 telephones the night operators should not be paid for all the time they are on duty did not think that these

operators would be over paid if paid for the full time, but believe that this basis would compel their operators to come to work or to leave their exchanges at unseasonable hours of the night. Their position is explained rather by regard for the welfare of their employes than by unconcern for their welfare. Under the women's hours of labor law, as it stands, women may not be employed in telephone exchanges for more than eight hours per day or forty-eight hours per week at night work. If all the time that the night operators are on duty in the large exchanges is counted as the period of work, it is apparent that they must either begin work at a very late hour or leave at a very early hour in the morning. The commission is convinced that any such arrangement is not in the interest of the telephone operators. The hours of labor law, however, is not at issue in this matter. The question upon which we are passing at this time is the question of the basis for paying the operators. The commission has authority to modify the requirements of the women's hours of labor law, if the modifications proposed promote the life, health, safety and welfare of the women employes. The case for a modifications of the women's hours of labor law which has been presented by the telephone managers in connection with this matter appears to be very strong, and this commission will on its own motion make an investigation and conduct hearings upon whether the women's hours of labor law should not be modified to permit night operators in large telephone exchanges to work longer periods so as not to require them to begin or conclude work at an unseasonable hour.

This brings us to the one modification in the recommendation of the Advisory Wage Board which this commission considers desirable. On the suggestion of Mr. Storkerson, the Advisory Wage Board recommended that in the determination and classification of exchanges each toll line connected with an exchange should be regarded as equivalent to 5% of the total number of telephones for which switching is done. This proposal was

not discussed at any length either in the public hearings or in the meetings of the Advisory Wage Board. Since the meeting of the Board on December 19, 1919, the commission has further considered the matter; and now feels that it is not prepared to say that the rule suggested is reasonable. The recommendation of the Advisory Wage Board regarding night work provides that the telephone companies shall pay for all of the time which is not included within the longest periods of rest which normally prevail. It also provides that if an exchange has an unusual number of night calls, the operators shall be paid not on the minimum basis, but upon the basis of the actual facts. The number of toll lines connected doubtless operates as an important factor in determining the number of calls, but under the proposed plan the number of calls, both local and toll, has already been taken into consideration. Consequently, if the 5% rule recommended by the Board were adopted, we would be counting the toll lines twice. There may be some merit in a provision similar to that suggested by Mr. Storkerson and recommended by the board, but with the information now before us, we believe that it would unduly burden many exchanges. (Pages 21-22.)

One provision more, not recommended by the Advisory Wage Board will be included in our order and this will provide for reports from the telephone companies upon the wage schedules which they adopt to comply with this order and upon the schedule of the hours of labor under which they are now operating. The latter information is desired by the commission to enable it to deal more intelligently with the question of whether there should be any modification of the women's hours of labor law as regards telephone exchanges. Since the telephone companies have all been subject to the minimum wage order since August 1, 1919, and have all understood that the adjustment of the number of hours for which they shall pay their operators must date back to August 1, the commission will also require that they report any adjustments of back pay which they may

make with their operators to carry out this order. (Page 23.)

Wisconsin. Industrial Commission. Interpretations and Rulings Relative to the Minimum Wage Law and the Orders Pursuant Thereto as Revised January 5, 1920.

3. Tips received from patrons cannot be counted as a part of the wage in computing the amount due under the minimum wage orders.

4. In computing the minimum wage no deduction can be made for instruction in the trade or industry.

7. The minimum wage law does not apply to women and minor employes who are *bona fide* apprentices for a profession in which registration is required by state law.

12. No request for a special license to work for less than the living wage will be entertained by the commission unless the employe who is alleged to be handicapped is paid the same piece rates which other employes in the establishment are being paid for the same or similar work; nor if the piece rates prevailing in the establishment yield less than 25 cents per hour to more than 25 per cent of the women and minor employes other than learners.

Wisconsin. Industrial Commission. Statement in the Matter of Minimum Wage Rates and Hours of Labor for Women and Minor Employes. June 28, 1921.

The Advisory Wage Board made no recommendations upon whether changes should be made in the provisions regarding the learning period contained in the 1919 minimum wage order. This question, however, was frequently touched upon at the public hearings and also discussed at length by the Advisory Wage Board. The theory upon which the commission allowed employers, in its 1919 order, to pay to learners a wage below the living wage was "to render it possible for beginners to

secure employment and training in industries which offer them a prospect of steady and remunerate employment." There have been complaints that the present beginning rate of 18 cents per hour is so high that employers have hesitated to take on beginners. At all events, the beginning rate in Wisconsin has been closer to the rate for experienced employes than is the case in most other states having minimum wage laws. We have, consequently, reached the conclusion that it is advisable to reduce the beginning rate to 16 cents per hour, but without disturbing the present rate of 20 cents per hour for the second three months of the learning period.

Some complaints have also been made that the learning period of six months is too short. We grant that this may be true in some industries, but believe that it would be inadvisable to extend the learning period for all industries. The average period of employment of women employes is only a few years and in many industries and occupations six months are long enough to enable employes of average ability to become thoroughly competent. It may be advisable at some future date to make a more careful study of the learning period in different industries, but on the information now before the commission an extension of the learning period generally appears to us to be unfair to the women employes.

To correspond with the changes made in the rate of learners over 17 years of age, we deem it advisable to make some changes in the rates for minors between 14 and 17. We believe that the beginning rate should be 16 cents as for older employes, but feel that it is unfair to hold minors between 14 and 16 years of age at this rate for two years. Consequently, our order will provide that after one year of employment such minors must be increased to 20 cents per hour. For minors between 16 and 17 the beginning rate of 16 cents per hour is fair while such minors are still in the first six months of their employment, but thereafter they should be paid not less than 20 cents per hour.

One further change in the present minimum wage order is believed to be advisable. This is a change with reference to the provision relating to piece rates. Under the order heretofore in force employers paying on a piece rate basis have been required to make good any deficits between the earnings of any woman employed at the piece rates and the hourly rates prescribed by the commission. Where an employer's piece rates are adequate this provision does not work out well. The employer must either pay a bonus to slow or lazy employes, or he discharges them and they find it difficult to get other employment. We believe that the test should be —are the piece rates generally adequate? If 75% of the experienced employes earn three cents more than the living wage, we believe it can fairly be said that the piece rates are adequate and an employer paying such piece rates should not be required to make good deficits to inefficient employees. (Pages 1-4.)

U. S. Department of Labor. Bureau of Labor Statistics. Revision of Wisconsin General Order. Monthly Labor Review. August, 1921.

Employers using piece rates were formerly required to guarantee the minimum for all employes. This permitted abuse by lazy or incompetent workers, and the present order declares the rate adequate if 75 per cent of the experienced employes earn 3 cents per hour more than the minimum fixed, so that the employer need make up no deficits where such a condition prevails. (Page 105.)

(3) Reinvestigations for Compliance with Minimum Decreed.

Wisconsin. Industrial Commission. Biennial Report. July 1, 1918, to June 30, 1920.

The enforcement of this (telephone) order has been the most difficult problem which has been met with in the administration of the minimum wage law. This has been

due to the fact that wages in this industry heretofore probably have been lower than in any other industry, and that the margin of profit of the employing companies has been small, and in many instances they have not been conducted for profit at all. (Page 8.)

The results have been gratifying. Complete compliance has not yet been secured from all companies, but adjustments already completed have given 206 women or minor telephone operators a total of $22,439.23 as back pay. The increase in wages has, in many instances, been more than 100%, and for the industry as a whole probably exceeded 33 1/3%. (Pages 8-9.)

Another special problem was presented by home work, that is, work which is let out by factories to be done in homes. There is no practical way for determining the hours put in by home workers, and it is universal that these employees are paid on a piece-rate basis. But there is probably no other class of employees who have been more seriously underpaid. The commission, consequently, has been anxious to arrive at a practical method of applying the minimum wage law to home work. With this end in view, it adopted an order providing that home workers shall be paid such piece rates as will yield women and minor employees of the same employer in the factory, who are of average ability, the minimum time rate of 22 cents per hour. Investigations are now being made to check up compliance with this order by the manufacturers giving out home work. (Pages 9-10.)

A problem of a different kind and altogether more complex was presented by the tobacco stemming warehouses. Within a short time after the adoption of minimum wage order No. 1, the commission was flooded with requests for special licenses to work for less than the living wage, from women employees in the tobacco warehouses. These employees were all piece-workers, and it was found that many of them were unable to make 22 cents an hour at the prevailing piece rates. Because it realized that this might mean that the piece rates were too low, the commission refused to be hurried into the

issuance of a large number of special licenses in this industry, prior to a careful investigation of this problem. Such an investigation, however, was undertaken immediately, and practically every tobacco stemming warehouse in the state was visited by the women deputies of the commission. (Pages 10-11.)

It was found that this industry gives employment to an unusually large number of elderly women, many of whom are not efficient. On the other hand, it was also found that the piece-rates which were paid in most of the warehouses were so low that many other employees in addition to the elderly women were unable to make the living wage. After a conference with the officers of the company which controls most of the tobacco warehouses in Wisconsin, an agreement was reached that the commission would permit all tobacco stemming warehouses to pay their women and minor employees either the time rates prescribed in minimum wage order No. 1, or a piece rate of 3½ cents per pound, which was ½ cent per pound more than the rate paid at most of the warehouses. After this agreement was formally adopted as minimum wage order No. 6, reports were required from all the tobacco warehouses to make certain that back pay to August 1, 1919, was given to all women and minor employees who were paid less than the time rates of minimum wage order No. 1. No less than 1442 women were given back pay under this order, totaling $5564.76. (Page 11.)

No complete record has been kept of the collections of back pay thus made for women employees other than in the telephone and tobacco industries. A partial list of such cases, prepared by the minimum wage deputy, shows payments of back pay through the active efforts of the commission to 68 women employees, totaling $1284.63. (Page 13.)

While one year is too short a period to accurately gauge the effect of the enforcement of the minimum wage law, it is very apparent that most employers do not regard the law as a serious hardship. There are no reliable statistics upon wages in Wisconsin, either before or after

the enforcement of the minimum wage law. It is probable, however, that before the adoption of minimum wage order No. 1, one-fourth to one-third of the women employees of the state, not including learners, were paid less than 22 cents an hour. The effect of the order, however, was not confined to those employees who had previously been paid less than 22 cents per hour. In fact, at the hearing on August 4, 1919, upon the application of employers for a postponement of the date of enforcement of the order, their claim of great losses was based not upon increases in wages rendered necessary to bring their women employees up to 22 cents an hour, but upon "sympathetic" increases which they felt obliged to make to women employees who had been paid more than 22 cents an hour. There can be no question, also, that the minimum wage has not become the maximum. In practically all industries the great majority of the women employees are being paid more than 22 cents an hour. There has also been no reduction of opportunities for employment of women; in fact, there never has been a time when the number of calls for women help at the employment offices so greatly exceeded the number of women applicants for positions. (Pages 13-14.)

Wisconsin. Industrial Commission. Official Statement. October 29, 1920.

While the Wisconsin minimum wage rate of 22c an hour is less than the rate in most other states having minimum wage laws, there is no question but that the establishment of this rate by order of the Industrial Commission on August 1, 1919, has had the effect of materially increasing women's wages throughout Wisconsin. This has been true especially of women employed in mercantile establishments, telephone exchanges, and tobacco warehouses. Comparatively few women employed in factories or offices were paid less than 22c an hour even before the Commission's order became effective, but many of these employees also secured wage increases, because less efficient employees had to be increased to 22c.

Wisconsin. Industrial Commission. Progress of Work Report. February, 1922.

A much larger number of violations of the minimum wage law are now being reported than a year ago. It also seems that a larger number of women employees are working at the minimum wage than formerly; but only a comparatively small number of employers have made cuts below the minimum rates. (Page 12.)

There were a much smaller number of violations of the pea canning rules during this season than during any previous season and most of the violations which occurred represented only slight departures from the commission's rules. (Page 13.)

One-half of the women employees [during 1921 in the pea canneries] were paid 25c per hour, although 22c was the minimum rate established by the commission. There were a somewhat smaller number of women employees, however, who were paid more than 25c than there were in 1920.

A study has also been made of the adequacy of the piece rates established for bean snipping in the 1921 rules —1½c per pound for flat beans and 2c per pound for round beans. This study shows that these piece rates on the whole barely yielded the minimum rate of 22c per hour, and in some canneries did not do so. (Pages 12-14.)

(4) Peculiar Local Experience.

Wisconsin. Industrial Commission. Biennial Report. 1918-1920.

There was little opposition to this determination of the living wage. The Wisconsin Manufacturers' Association, however, on behalf of some of its members and of some other manufacturers, requested a re-opening of the matter with particular reference to whether the date of enforcement could be postponed to January 1. A hearing was held upon this application on August 4, 1919, in which the full advisory wage board sat with the commission. It was the unanimous decision of the board and of the com-

mission that it would be unfair to postpone the date of enforcement, because most employers had already put the commission's order into effect. Employers who claimed that they would suffer great financial losses on account of the early enforcement of the minimum wage law, were advised that relief might be given them by special order, but also that such action could be taken only after they presented their books and records to prove their losses. Not an employer in the state accepted this challenge, and the great majority of the employers accepted the determination of the living wage as fair and reasonable. (Page 60.)

Wisconsin. Industrial Commission. Statement in the Matter of Minimum Wage Rates and Hours of Labor for Women and Minor Employees. June 28, 1921.

This matter comes before the commission upon a petition filed on November 18, 1920, by the Wisconsin State Federation of Labor, The Milwaukee Council of Social Agencies and the Wisconsin Consumers League. . . . It is also asked to revise its orders heretofore issued and to establish a minimum rate of pay for women and minors "more commensurate with a proper living standard."

At the conclusion of these hearings the Advisory Wage Board—some or all members of which were in attendance at all of the hearings—recommended to the commission that the minimum wage rate should be fixed at 25 cents per hour in all cities with a population of 5000 and over and at 22 cents per hour in cities, towns and villages with a lesser population. (Page 1.)

The recommendations as to minimum wage rates, we believe, are amply supported by the evidence which was developed through investigations made by the commission and at the public hearings. The determination made in June, 1919, that the living wage for women employees was then 22 cents per hour was acknowledged to be a compromise, as is the determination now made. This rate was lower than the rate prescribed in most other

states which have minimum wage laws. In the two years which have intervened room rents have materially increased in practically all of the larger cities, with little or no tendency to come down. Board and restaurant prices have also increased with only comparatively slight reductions in the last months. We believe that it is clear from the evidence that the rate of 22 cents per hour is no longer a living wage in cities with a population of 5000 or more. With the average hours of labor for women employees around 50 per week the 22 cent rate meant an allowance of $4.50 for board, $2.00 for room rent, $2.50 for clothing and $2.00 for incidentals. To give self-supporting women employees a living wage, a rate of 25 cents per hour is clearly necessary in cities with a population of 5000 or more. Such a rate will make possible a budget for a woman employee working 50 hours per week of $5.25 for board (75c per day), $2.50 for lodging, $2.50 for clothing, and $2.25 for incidentals. It is true that the record shows that a considerable percentage of women employees who are apparently self-supporting are expending less for room and board in cities with a population of 5000 or more than these allowances. The record shows, however, that very many of the women employees who have low expenditures for room and board live with relatives, or do housework for part of their expenditures, in addition to their work in industry. In other cases it appears that women employees in larger cities, who earn only the present minimum rate of 22 cents per hour spend more than 60% of their entire income for room and board, and, thus manage to live only by getting along on less than the allowance in the 1919 budget for clothing and incidentals.

The record also clearly establishes that in the smaller towns room rent and board cost less than in the towns with a population of 5000 or more. Again in such smaller towns there are no expenditures for carfare which on the average probably amount to at least 25 cents per week for all women employees in the larger towns. We are convinced that a wage of 22 cents per hour will go at least as far in the small towns as a wage of 25 cents an

hour in cities with a population of 5000 or more. We recognize that 5000 is an arbitrary limitation and there is very little difference in the cost of living in cities just above and below this line. This would be true, however, wherever the dividing line was drawn and we believe that the classification suggested by the Advisory Wage Board is as fair as any that could be made. Within the class of the 5000 cities, however, should also be included communities and isolated establishments which lie within the industrial area of such cities, although outside of their territorial limits.

Great Britain.

(1) Minimum Wage Rates.

Great Britain. Report to the Minister of Labour of the Committee Appointed to Enquire into the Working and Effects of the Trade Boards Acts. London. April, 1922.

List of Trade Boards Established to 31st December, 1921, and Date of Establishment.

Great Britain.

Boot and Floor Polish, 11th July, 1921.
Boot and Shoe Repairing, 5th July, 1919.
Brush and Broom, 17th July, 1919.
Button Making, 13th February, 1920.
Chain, 3rd January, 1910.
Coffin Furniture and Cerement Making, 16th December, 1919.
Cotton Waste Reclamation, 16th September, 1920.
Flax and Hemp, 27th January, 1920.
Fur, 25th October, 1919.
General Waste Materials Reclamation, 27th August, 1920.
Hair, Bass and Fibre, 20th February, 1920.
Hollow-ware, 4th August, 1914.
Jute, 8th December, 1919.
Laundry, 1st May, 1919.
Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods, 28th May, 1920.
Made-up Textiles, 24th November, 1920.
Ostrich and Fancy Feather and Artificial Flower, 3rd February, 1921.
Paper Bag, 14th July, 1919.
Paper Box, 29th July, 1910.
Perambulator and Invalid Carriage, 20th January, 1920.
Pin, Hook and Eye and Snap Fastener, 17th February, 1920.

†Ready-Made and Wholesale Bespoke Tailoring, 17th February, 1920.
†Retail Bespoke Tailoring, 12th December, 1919.
Rope, Twine and Net, 3rd December, 1919.
Sack and Bag, 2nd November, 1921.
Shirtmaking, 6th February, 1914.
Stamped or Pressed Metalwares, 13th February, 1920.
Sugar, Confectionery and Food Preserving, 6th February, 1914.
Tin Box, 30th July, 1914.
Tobacco, 23rd April, 1919.
Toy, 19th August, 1920.
Wholesale Mantle and Costume, 13th December, 1919.

England and Wales.

Aerated Waters, 2nd January, 1920.
Dressmaking and Women's Light Clothing, 15th January, 1920.
Grocery and Provisions, 23rd June, 1920.
Hat, Cap and Millinery, 12th January, 1920.
Milk Distributive, 27th February, 1920.

Scotland.

Aerated Waters, 8th January, 1920.
Dressmaking and Women's Light Clothing, 29th March, 1920.
Grocery and Provisions, 1st November, 1920.
Hat, Cap and Millinery, 31st March, 1920.
Milk Distributive, 17th August, 1920.

Great Britain and Ireland.

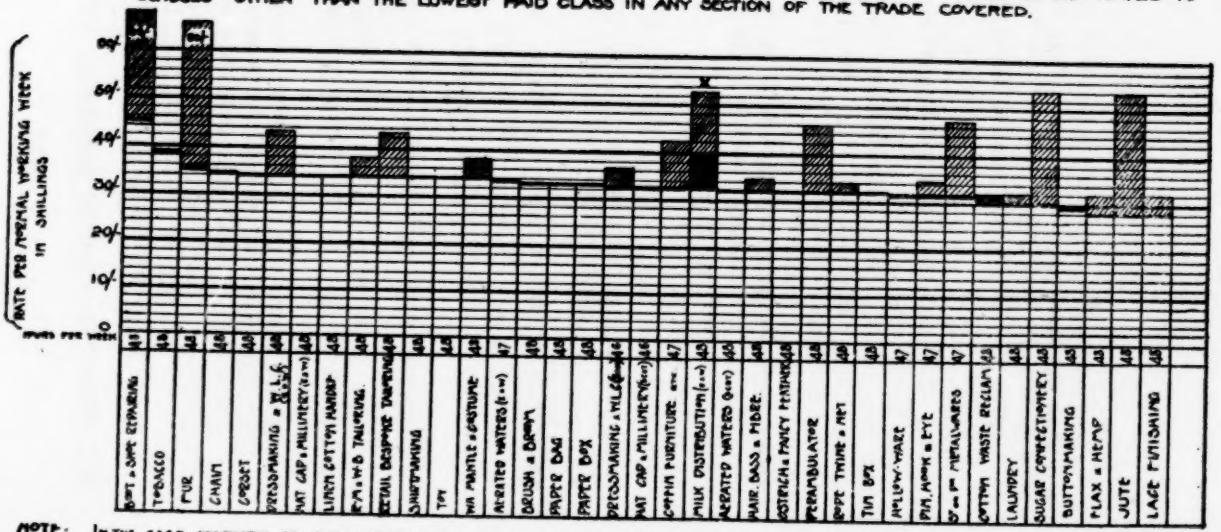
Corset, 17th July, 1919.
Lace Finishing, 7th September, 1910.

† These Boards were set up in place of Boards for the Tailoring Trade in Great Britain and Ireland respectively, established under the Act of 1909.

DIAGRAM "Y": SHOWING MINIMUM TIME RATES FIXED BY TRADE BOARDS IN GREAT BRITAIN FOR FEMALE WORKERS IN OPERATION ON THE 31ST DECEMBER, 1921.

KEY:

1. THICK BLACK LINE ——— INDICATES THE RATE APPLICABLE TO QUALIFIED ADULT WORKERS OF THE LOWEST PAID CLASS IN ANY SECTION OF THE TRADE COVERED
2. PORTIONS SHADED ▓▓▓ INDICATE THE RANGE OF DISTRICT RATES APPLICABLE TO QUALIFIED ADULT WORKERS OF THE LOWEST PAID CLASS IN ANY SECTION OF THE TRADE COVERED.
3. PORTIONS SHADED ▓▓▓ INDICATE THE EXTENT OF PROTECTION AFFORDED BY TRADE BOARD RATES TO CLASSES OTHER THAN THE LOWEST PAID CLASS IN ANY SECTION OF THE TRADE COVERED.



NOTE: IN THE CASE MARKED X THE RATES FOR CLASSES OF WORKERS ABOVE THE LOWEST ARE ALSO DIFFERENTIATED ON A DISTRICT BASIS.

(Appendix C.) (Page 84.)

The Trades Union Congress and The Labour Party. Trade Boards and the Cave Report. London. 1922.

Table II.—Showing Original and Present or Proposed Rates for Adult Female Workers in Trades Covered by a Trade Board Under the 1909 Act.

N. B.—In certain cases deductions have been proposed. As these will almost certainly be shortly carried into effect, the proposed rate and not the actual rate is given as affording the fairest basis of comparison.

Trade Board (Great Britain).	Original Rate per hour.	Present Rate (May, 1922) per hour.
Chain Hand Hammered....	2½d. (1910).	7¾d.
Tailoring (Wholesale)	3¼d. (1912).	7½d.
Lace Finishing	2¾d. (1911).	6¼d. (proposed).
Paper Box	3d. (1912).	7⅝d. (proposed).
Shirtmaking	3½d. (1915).	7½d.
Sugar Confectionery	3d. (1915).	7d.
Tin Box	3¼d. (1915).	7½d.
Hollow-ware	3d. (1916).	8d.

(Page 20.)

(2) Evidence on the Elimination of Sweating.

Great Britain. Report to the Minister of Labour of the Committee Appointed to Enquire into the Working and Effects of the Trade Boards Acts. London. April, 1922.[1]

Constitution of Committee.

The Rt. Hon. the Viscount Cave, G.C.M.G. (Chairman)
The Rt. Hon. Lord Weir of Eastwood
The Hon. Mrs. Alfred Lyttelton, D.B.E.
Mr. W. T. Layton, C.H., C.B.E.
Mr. E. L. Poulton, O.B.E., J.P.
Mr. A. MacCallum Scott, M.P.
Dame Adelaide M. Anderson, D.B.E.
Mr. James Bell, M.P.
Sir Arthur F. Pease, Bart.
Mr. A. Pugh
Mr. H. D. Hancock (Secretary).

Trade Boards Act, 1909.

4. The Act of 1909 originally applied to four trades only, viz., Ready-made and Wholesale Bespoke Tailoring, Paper Box Making, Machine-made Lace and Net Finishing, and Chain Making; but the Board of Trade were authorized to apply the Act to other trades by Provisional Order subject to confirmation by Parliament. (Page 6.)

6. In addition to the four trades mentioned in the Act, four more were added by Provisional Order in the year 1913, viz., Sugar Confectionery and Food Preserving, Shirtmaking, Hollow-ware and Tin Box Making, and Linen and Cotton Embroidery. For the eight trades above mentioned thirteen Trade Boards were set up, viz. eight for Great Britain and five for Ireland, covering in all about half-a-million of workers. These Boards in fixing minimum rates displayed care and prudence, and

[1] It is essential to bear in mind that whereas the Act of 1909 is the prototype of American minimum wage legislation except that in England it applies to men as well as women, the Act of 1918 permits the regulation of minimum wages for skilled workers.

the effect of their operations was gradually to remove from the trades concerned the reproach of "sweating," [. . . . that is to say, to the unfair exploitation by unscrupulous employers of the necessities of the poorer and more helpless class of workers by requiring them to work for wages inadequate to their needs or for excessive hours or under insanitary conditions. (Page 5.)] and (so far as the evidence shows) without injury to those engaged in the industries or to the consumer. (Pages 7-8.)

Effect of the Act of 1918.

9. The passing of the Act of 1918 was followed by a large increase in the numbers of Trade Boards. Fifteen Boards were established by the Minister in 1919, thirty-four in 1920, and three in 1921, thus bringing the total on the 31st December, 1921, up to sixty-three, of which nineteen were Irish Boards and of the remainder five were for England and Wales, five for Scotland and thirty-two for Great Britain and two for Great Britain and Ireland. . . . It is estimated that the Acts have now been applied to trades employing about 3,000,000 workers, of whom about 70 per cent. are women.

10. The new Act also produced a considerable development in the exercise of the rate-fixing powers of the Boards; for although it made little difference in the powers given to the Boards when formed, the circumstance that a Board could now be formed for a trade, not only when the wages prevailing in the trade were "exceptionally low," but in any case where no adequate machinery existed for the effective regulation of wages, was taken as an invitation to use the Boards less as instruments for the prevention of "sweating" than as machinery for the general regulation of wages in the trades concerned. Thus of the 37 British Boards whose rates were in operation on the 31st December, 1921, all but 14 had fixed different time-rates for different classes of male workers, and all but 18 had fixed different time-rates for different classes of female workers; 10 Boards

had fixed general minimum piece-rates and 29 had fixed piece-work basis time-rates. The general minimum time-rates for unskilled and semi-skilled adult male workers varied from approximately, 44s. to 66s. a week and for unskilled and semi-skilled female workers from 28s. to 38s. 6d. a week (excluding a special London rate of 40s. fixed by the Milk Distributive Board); some of the time-rates fixed for skilled workers or foremen reached a high level such as 93s., 94s. and (in one case) 96s. a week.

11. . . . It is admitted that in some instances the rate fixed as a minimum has been, not a minimum, but the current rate of wages paid under existing trade agreements; and cases have been brought to our notice in which a Board has not really considered the question of minima at all, but has been content to adopt and make compulsory a scale of wages agreed upon by the organisations of employers and workmen outside the boardroom.

12. . . . The movement of Trade Board wages during and for some time after the war was almost uniformly upwards, and during that period the complaints were few; but in the year 1920, trade became depressed, and towards the end of that year the higher wages began to press severely upon manufacturers and traders. It was found that reductions of the wage scales fixed by Trade Boards were often resisted by the workers, and even when assented to could not be legalised without a delay of some months. Thereupon dissatisfaction ensued, complaints of evasion of the Acts became frequent, and urgent appeals were made for the modification of the Acts. It was under these conditions that we were requested to enquire into the working and effect of the Trade Board legislation. (Pages 10-11.)

13. The evidence given before us has been submitted by—

(1) Witnesses representing Associations of Employers of a general character. . . .
(2) Witnesses representing Associations of Employers connected with particular trades.

(3) Witnesses representing general Organisations of Workers. . . .
(4) Witnesses representing Trade Unions connected with particular trades. . . .
(5) Witnesses representing the Parliamentary Committee of the Co-operative Congress.
(6) Representative members of Trade Boards both on the Employers' and Workers' Sides.
(7) Chairmen and other appointed members of Trade Boards.
(8) Officials or former officials of the Ministry of Labour, including Inspectors appointed under the Trade Boards Acts.
(9) A former official of the Board of Trade.

The general tendency of the evidence given by witnesses falling within the first six of the above categories may be summarised by saying (*a*) that nearly all of them desired the retention of the provisions of the Act of 1909, directed to the prevention of "sweating"; (*b*) that of the witnesses representing employers, while a strong minority were willing that the Act of 1918 should continue in force subject to amendments in its machinery, the majority desired the repeal or drastic amendment of that Act; (*c*) that the witnesses representing workers and the Co-operative Congress were in favour of retaining both Acts, but (*d*) all the witnesses criticised the machinery of the Acts and wished to have it amended. (Page 12.)

44. Notable tributes have been paid by employers to the achievements of Trade Boards in the Ready-made Tailoring, Paper Box, Paper Bag, Tin Box, Shirtmaking, Sugar Confectionery, Wholesale Mantle and Costume, Lace Finishing, Corset, Boot and Shoe Repairing and Milk Distributive Trades and by workers' organizations to the working of the system as a whole.

45. It has been stated by a number of employers' organizations, especially by those interested in trades to

which the Act of 1909 was applied, that as a result of the operations of Trade Boards the conditions of the poorer and less skilled workers in the unorganised trades, and particularly of women workers, have been substantially improved; and it appears to us that, speaking generally, Trade Boards have succeeded in abolishing the grosser forms of underpayment and regularising wages conditions in trades brought under the Acts. (Pages 22-23.)

50. The total repeal of the Trade Boards Acts was proposed by very few of the Associations representing employers, and we are of opinion that such a repeal would not be in the public interest. It appears to be almost universally admitted that the oppression by some unscrupulous employers of their needy and helpless work-people which existed before the year 1909 was an evil calling for legislative remedy, and that the machinery established by the Act of 1909 has been effective to deal with it in the trades to which that Act has been applied. Women workers, and especially those who do home work, find it difficult to organise; and although the increases of pay consequent on the Trade Boards Acts have enabled them to join trade organisations to an increasing extent, there are still very many who have not taken that step. If the Trade Boards were abolished without the creation of some effective machinery to take their place, the earnings of these poorer workers would be likely to fall very rapidly and "sweating" would return; and in that event public opinion would undoubtedly, and properly, require that it should be met by preventive measures. Further, there are still some trades in which the wages paid to workers appear to be exceptionally low and no efficient organisation for securing better wage conditions exists; and it is undesirable that the workers in these trades should be deprived of all hope of protection. Indeed, it is only fair to say that the employers represented before us were wholly opposed to the "sweating" of labour, and were desirous that it should be prevented by legislative action. (Page 24.)

53. . . . Is it the intention of Parliament that the coercive powers of the State should be used to prevent the oppression of the worker by forcing him to work at wages below the level of subsistence and under conditions injurious to his health; or is it desired that they should be applied (through the medium of the Trade Boards) to the general regulation of wages? In other words, is the intention of the Act of 1909, which we believe to have been directed to the prevention of "sweating," to prevail; or is effect to be given to the interpretation widely put upon the Act of 1918, namely, that it is to be used as an instrument for the public regulation of wages throughout the industries concerned? In our opinion, the former is the correct view.

54. It appears to us that, while the coercive powers of the State, and particularly the criminal law, may properly be used to prevent the unfair oppression of individuals and the injury to the national health that results from the "sweating" of workers, the use of those coercive powers should be limited to that purpose and that any further regulation of wages should be left, so far as possible, to the processes of negotiation and collective bargaining. It is one thing to say that an employer shall not pay to his adult worker a sum insufficient for his or her maintenance under the conditions of the time, be the sum 35*s*., 40*s*., or 50*s*. per week; it is quite another thing to provide that he shall not pay to a skilled worker of a particular class less than 70*s*., 80*s*. or 90*s*., even though the worker is prepared to work at a lower wage, and that if he does so he shall be liable to fine or imprisonment. It may be desirable that the higher wage should be paid, and it may not be unreasonable for a trade organisation to insist on that wage being paid and to enforce its decision by economic means; but to compel the payment by the threat of criminal prosecution appears to us to be an oppressive use of the powers of the State. (Pages 26-27.)

56. We proceed then to frame our recommendations, and in the first place we are of opinion that the Minister

should not be empowered to apply the Acts to a trade unless both the conditions above described are fulfilled, that is to say, unless an unduly low wage prevails in the trade or some branch of it and there is a lack of such organisation among the workers as is required for the effective regulation of wages in the trade. This would, in effect, restore the conditions laid down by the Act of 1909, except that the power to apply the Acts would rest (as we think it should rest) primarily with the Minister and not with Parliament. But it appears to us that the decision of the Minister to apply the Acts should be taken only after full enquiry and after an opportunity has been given to all persons concerned to bring forward their objections, and accordingly we think that in every case a public enquiry should be held before the Acts are applied to a trade.

57. With regard to the functions of a Trade Board when formed, we are of opinion that the course which is most consistent both with the prosperity of trade and with the intention of Parliament is that the Trade Board system should be directed, first, to giving protection to the workers in each trade by securing to them at least a wage which approximates to the subsistence level in the place in which they live and which the trade can bear; and secondly, to using the machinery established for that purpose in encouraging the improvement of relations between employers and employed and the development of trade organisation. (Pages 27-28.)

EVIDENCE OF OFFICERS ADMINISTERING TRADE BOARD ACTS.

Statement of Mr. Humbert Wolfe, C.B.E., Principal Assistant Secretary Ministry of Labour in charge of the Trade Boards Branch. October 12, 1921.

The actual achievements of the Boards in respect to the improvement of wage conditions. (Page 34.)

548. . . . So far as women are concerned, it is roughly true to say that there is very little difference

between the rates payable to women in the Trade Board trades and women in allied trades outside the operation of the Acts. . . .

555. . . . It is the less highly paid trades that have already been covered by the Trade Boards. . . . Therefore if I have established my point as far as I have put it, it is to show that if there have been excessive increases in rate in Trade Boards trades that is only because the rates from which the increases started were unduly low. Where they have been normal rates to start from, Trade Boards rates have kept pace with the general tendency of rates of wages fixed voluntarily throughout the country, and therefore an allegation that the Trade Boards have unduly upset industry can not be sustained if those figures are correct. . . . (Page 35.)

599. When the employers [jute and flax trades] put it to us strongly that we should withdraw the Trade Board the workers said, "If you withdraw the Trade Board the whole history of the jute trade shows that we shall get back to the conditions in which we were before there ever was a Trade Board; we do not believe that any conciliation board would have satisfactory results in the jute trade"; and in fact they went so far as to say that they would not be parties to a voluntary conciliation board if the Trade Board were withdrawn.

601. There was no application to us for removal [of the ready-made tailoring trade] from the Trade Board; far from it, when we tentatively suggested that there might be a case in view of the nature of the agreement reached off the Trade Board, both sides repudiated the suggestion as an insult. . . . they put it to us that they only represented a proportion of the trade, and that if the Trade Board were withdrawn the rates would go down again in all the unorganized parts of the trade. (Page 38.)

Statement of Sir George Barnes, K.C.S.I., K.C.B.

Responsible for administration of the Trades Boards Act, 1909, from 1911 to March, 1916, as Comptroller-General of the Labour Department of the Board of Trade during the first part of the time and afterwards as one of the two Permanent Secretaries of the Board of Trade. (Page 899.)

12,591. . . . The old policy was to fix a minimum wage for workers who could not help themselves. The first Act was an anti-sweating Act only. At least, that is how we all regarded it. I think we considered that all interference by the State in commerce, industry, or wages, was in itself an evil, but it was capable of justification in this case, because there was a still greater evil to be combated, namely, the great evil of sweating. What has struck me lately is that that old policy has been departed from to some extent. I think there seems to me a tendency, so far as I am able to gather—this is mainly from papers—to fix standard wages and not minimum wages. Further, I think wages have been fixed in certain cases for people who are not helpless. At least, judging by the rates fixed, wages have been fixed for people who ought, I think, to be able to help themselves. (Page 902.)

Statement of Miss Power, Officer in Charge of Staff Engaged on Non-Compliance Inspection Under the Trade Board Acts. Feb. 15, 1922.

a. *Under the Act of* 1909.—Generally speaking, there was no feeling of hostility towards the 1909 Act either among employers or workers. The employer welcomed the Act as supplying him with a fair basis for competition by eliminating the "sweater." The worker welcomed the Act as securing to him a basis rate below which he knew his earnings could not fall. Where hostility was found it was generally in the case of small employers such as tailoring sub-contractors who, through failure to understand Trade Board notices, had unwittingly incurred liabilities in respect of arrears of wages. (Page 911.)

EVIDENCE OF ASSOCIATIONS OF EMPLOYERS OF A GENERAL CHARACTER.

Statement of Mr. Arthur Balfour on behalf of the Executive Council of the Association of British Chambers of Commerce. December 7, 1921.

4846. *Lord Weir:* I take it that that does not mean that you object, for example, to the 1909 Act?—I am entirely in favour of the 1909 Act and I think that in any industry where it can be shown that there is sweating you must have something like the 1909 Act; but I do not think that you can apply it generally and set up Trade Boards for every trade in the country. I think that you get into an impossible position if you do.

4847. *Mr. Pugh:* But if in the case of the higher wage that tends to become the maximum would not your minimum based upon sweated conditions tend to become the maximum?—I am afraid it does. That is why I am against setting it up except in a trade where there is real necessity.

4848. You are in favour of the 1909 Act applied to sweated trades, but would not your argument equally apply there? —I think it does apply there: I think that is one of the difficulties in attempting to legislate by Government or by anything controlled by Government between employer and employee.

4849. It hardly disposes of your difficulty, does it, because that is surely an argument against the 1909 Act? —I agree that it is. I think that these things ought to be settled between employer and employee better than by any interference of the Government; but on the other hand you have to meet the point which was raised in some of these Trades in the 1909 Act, and you have to do something, and I think it is better to do that than to do nothing. That is my view. (Page 364.)

4879. . . . We find that there is no objection at all to the Act of 1909 or the principles of the Act of 1909 and

all our Chambers seem to be in sympathy with the idea of that Act. (Page 365.)

Statement of the National Chamber of Trade (300 Chambers; 100,000 members, principally retailers in distributive trades affected by Trade Boards on Hat, Cap and Millinery; Dressmaking and Women's Light Clothing; Retail Bespoke Tailoring; Milk Distributors; and Grocery and Provisions.) November 30, 1921.

The National Chamber has consistently supported the principle of employers and employed conferring together and arriving at mutual agreement for the settlement of wage and other problems. It recognizes that the Trade Boards established under the original Act, not only by legislation, but also by the authority of public sanction, have served a most useful and necessary purpose. (Page 252.)

Statement of Mr. Ashley Ward on behalf of the National Union of Manufacturers, Member of the Waste Materials Reclamation Board. November 24, 1921.

2965. *Mr. Poulton:* Do I gather clearly that you wish for the entire withdrawal of the Act, or do you think it can be so amended or so improved as to make it a workable Act from your standpoint?—I do not think it can be amended for this reason. If you are going to constitute an Act which has got to regulate wages of all classes in sub-divisions, you can only do it in districts, and it is going to be such a huge structure that it will absolutely fail because it is so huge. If you are going to keep hold of the 1909 Act for the prevention of sweating and paying people something less than what is recognized as a subsistence wage, then we have no quarrel with that, whatever the Government may decide upon. (Page 248.)

Statement of Mr. Gordon T. H. Stamper on behalf of the National Union of Manufacturers, Member of the Grocery and Provisions Trade Board. November 24, 1921.

2833. . . . So far as the National Union of Manufacturers are concerned we have no grave objections to the operation of the 1909 Act—that is quite definite as far as we are concerned—and I think, my Lord, that any evidence that you have received from the employers' side in favour of the Trade Boards can be traced as emanating from gentlemen whose trades are covered by Orders made by the 1909 Act. (Page 238.)

2929. . . . before the Boards were set up under the 1909 Act there was a general overhaul of the trade concerned in the shape of an enquiry. It was not altogether like a body of people coming in without knowing anything about the facts of the case.

2930. *Dame Adelaide Anderson:* Would you pursue that by suggesting some development that would improve the 1918 Act in that direction?—I think it is impossible to do it. I think the whole job would be too colossal. The Act was originally introduced to stop sweating. It was never accepted by anybody that it was for any other purpose and I do not agree that it is necessary to regulate wages in any trade by Act of Parliament, unless it can be proved that sweating has taken place. I think it is fundamentally wrong in principle.

Statement of the Parliamentary Committee of the Co-operative Congress. December 7, 1921.[1]

It speaks, therefore, on behalf of the whole of the Co-operative Movement of the United Kingdom, the membership of which is approximately 4,500,000 adults [and more than 200,000 employees, affected by 31 Trade Boards]. The Committee is unanimously in favour of the retention of Trade Boards, . . .

1. Co-operative Wholesale Society, Limited, Manchester. Evidence of Mr. J. E. Johns.

We are strongly of the opinion that Trade Boards should be retained and worked as national machinery for the regulation of wages, hours and conditions of employment, particularly in those trades which are not sufficiently organised to demand adequate and reasonable remuneration and conditions of employment by their own efforts. If they were abolished we are of the opinion that the tendency would be to revert to sweating and long hours by unscrupulous employers, who would take the opportunity of adding to their profits at the expense of the worker. Wages would be left to bargaining between employers and employed; a method successful in the highly organised trades where the first necessity of

[1]Statement of Mr. Humbert Wolfe, C.B.E., Principal Assistant Secretary at the Ministry of Labour, in charge of the Trade Boards Branch in regard to Co-operative Societies. February 22, 1922.

13,324. *Lord Cave:* How are you to meet the point about the co-operative members?—I should be very loth to express an opinion, and I speak as an outsider upon this question. But I am bound to say that the co-operatives have not behaved, in my view, in a manner unlike other employers. I think they are more conscious of the workmen's difficulties. I think their own troubles with their own workmen at times shows that they are conscious of the workmen's point of view.

13,325. *Mr. Pugh:* Are they not in precisely the same position as other people, that their workers are organised in Trade Unions and they have to adopt the same machinery of negotiations for settlement, and, indeed, they very often have considerably more difficulty than a private employer? That being so, there is no particular reason why they should favour the workmen on the Board?—I do not think there is.

13,326. *Mrs. Lyttelton:* They do not have quite the same limitations as ordinary employers?—In what way do you mean?

13,327. They are not taxed in the same way, are they?—I believe there is a difference in that way.

13,328. And they distribute their profits, so that they have a different point of view?—To some extent, yes; but when it comes to the point, they have to live as business people and do as other people do. There are certain differences, but they really are not in business for their health!

13,329. *Mr. Poulton:* They have to meet the position competitively?—Yes, they have, and I am not sure, honestly, that there is a very good case against them. I do not see why they should not have the same position as the ordinary employer. (Page 949.

fair bargaining—that of negotiations between equal powers—could be fulfilled, but hopeless where the power is on one side only, and the individual worker must accept whatever offer is made. Such conditions would call upon private charity and out-relief to supplement inadequate earnings. This would also create unfair competition, and those employers whose desire it is, to treat their workers fairly would be compelled, in order to maintain their trade to offer wages which would be repugnant to their conscience; therefore it is highly important, in our judgment, that Trade Boards, both in the interests of employer and employed, should not be abolished.

From our experience of the working of Trade Boards, being as we are, engaged in a large variety of industries in which wages are governed by Trade Board Machinery, we firmly believe that they have been conducive to more harmonious working.

Speaking generally, they have, in no uncertain way, improved wages and established better conditions for workers, and, at the same time, put employers of labour on one common basis so far as wages costs are concerned. Employers should introduce scientific management and use modern methods and machinery to enable them to compete in an open market. Efficient production is, without doubt, preferable to inefficient methods bolstered up by sweated labour.

Trade Boards have, to a large extent, eliminated spasmodic disturbances engineered by local Unions, but the fact must not be overlooked that the inception of the majority of the Boards came at a time when wages generally were being advanced. Time alone will tell whether the same degree of success will be achieved by future wage variations as the opportunity arrives for working under normal conditions.

Scottish Co-operative Wholesale Society, Ltd., Glasgow. Evidence of Mr. D. Gardiner.

Trade Boards, in the opinion of the writer, are of much service to both employers and employees, inas-

much as they protect the former against the competition of those who are inclined to pay sweated wages, and also the workers against sweated rates being imposed on them.

The abolition of Trade Boards would, in my opinion, result through time in a return to "Sweating," and all that the same means in the shape of unfair competition against fair-minded manufacturers and hardships on the workers.

The opinion advanced by some that Trade Boards tend towards unemployment has, in my opinion, little or no foundation in fact. Hardships may at times occur, particularly to those who have to go out to work as learners comparatively late in life, but an amendment of the regulation which fixes wages according to age and not according to ability, would, in my opinion, meet the case, i. e., pay them according to their ability and not according to their age. (Pages 335-336.)

The differentiation in wages as between one part of the country and another ought to be avoided, and are uncalled for.

From the standpoint of national welfare, the abolition of Trade Boards would be a retrograde step. The force of law behind any regulation in regard to rates of wages is much more powerful than any regulation of Trades Unions, inasmuch as the former cannot easily be evaded, whereas in connection with the latter that is not difficult of accomplishment on the part of those who may set out to do so.

3. Co-operative Union Limited of Great Britain and Ireland, Holyoake House, Hanover Street, Manchester. Evidence of Mr. James Pollitt, Labour Adviser to the Co-operative Union.

The Co-operative Movement as a whole is strongly in favour of the existence and extension of Trade Boards, particularly in respect to the distributive trades, and as an earnest of our support of them we have invariably sought representation upon all those likely to affect our

employees in the various branches of service. In many cases this has been granted.

The rates of wages fixed under the Trade Board orders have had little or no disadvantageous effect up to now upon our societies, mainly because we pay higher rates (Appendix 2), but apart from this it is our opinion that the Boards have been of considerable financial and moral benefit to the trades concerned. We think they have been of benefit to the employer—especially the good employer—because he knows he cannot suffer from the unfair competition of other employers in the same business who would, if they could, pay lower wages. We are convinced also that the fixing of a fair minimum wage is conducive both to better service and improved organisation which benefit the employer and public alike. Again, we believe Trade Boards can be of great service in bringing about an improvement in the standard of work by including under their supervision, as they have power to do, the system of apprenticeship and enforcing rules for the proper training of apprentices.

We have heard a good deal of agitation recently from certain sources against Departmental interference, and the cry is set up for complete freedom of action in regard to labour matters—of a desire to return to the bad old days of commercial *"laissez faire"* whereby labour would be completely and entirely at the mercy of the laws of supply and demand. It is to these conditions—the conditions of 1908-9, responsible for the introduction of the Acts which are on their trial today—to which these people want to get back. We state emphatically that the question of a legal subsistence wage is a question that cannot, that ought not to be, left in the hands of a single individual to determine.

Evidence of The Co-operative Productive Federation, Ltd., Leicester.

We have been in communication with our federated societies to ascertain if, and how far, there existed a consensus of opinion among them regarding the consti

tution and operations of Trade Boards. As a result we have to record a unanimous and emphatic view concerning the necessity for Trades Boards, or some similar machinery, in order to keep up the standard of wages in trades where labour is inadequately organised; and also to prevent inconsiderate employers of labour from lapsing back to the deplorable condition of "sweating" which obtained prior to the passing of the Trade Boards Act, and thereby placing better intentioned employers at a competitive disadvantage.

Whilst not resisting the criticism that Trade Boards are not swift in bringing new scales into operation, we urge, in extenuation of this, that most representative Boards of this description work rather slowly, and we feel that the Cave Committee could most usefully direct its energies towards finding ways and means of expediting decisions. (Page 339.)

4389. Evidence of Mr. A. V. Alexander, Secretary of the Parliamentary Committee of the Co-operative Congress.

4391. . . . we have never received any opinions from within the movement against the continuation of the Trade Boards; the movement is unanimous in support of their continuance, and indeed of their development.

4395. . . . we are of opinion that there should certainly be no suspension of the activities, for a limited period even, of the Distributive Trade Boards. In our view, in the present industrial situation, the functions and operations of Trade Boards are more necessary than ever. Then with regard to a further point, if there is no suspension of the Distributive Trade Boards we think that there ought certainly to be no removal from the scope of the Trade Boards (as was mentioned last week) of the bespoke dressmaking, millinery, and women's tailoring trades, because we feel that such a movement would bring back again underpayment of workers in the

small workshops—the very small kind of workshop which exists in these particular trades. (Page 341.)

4397. What we do stand for is the ideal which we think underlies the whole movement for Trade Boards, the ideal of a minimum living wage for the workers of the country; and it seems to us that there is no difficulty which would preclude us, after having secured the minimum living wage, from securing a reward to people who merit remuneration above the living wage secured. (Page 342.)

Statement of Mr. John Carr, Director of Peek, Frean and Co., Ltd. (biscuit makers) in behalf of Manufacturers' Section of London Chamber of Commerce. November 2, 1921.

918. . . . There is no general desire for the total abolition of the system, and, further, any proposal to adopt such a course would meet with opposition from some traders on the ground that the Boards have prevented sweating, and have thus eliminated unfair competition amongst traders by this means. It is, however, apparent that strong objection does exist to the Act of 1918, under which many matters of detail hitherto left to the Boards were transferred to the Minister of Labour, causing duplication of work and increased expense. The repeal or the amendment of this Act would therefore be generally welcomed, and would not destroy any of the benefits provided by the original Act of 1909. (Page 113.)

1072. *Mr. Layton:* Your constituents have not generally complained about the extension so far as the field covered was concerned under the 1918 Act?—No, the general opinion is that the Boards have been of value. (Page 119.)

933. What kind of amendments are proposed?—A greater elasticity in the fixing of wages to meet varying conditions of industry from time to time.

934. . . . some Trade Boards have got beyond fixing a minimum rate, and have entered into a discussion

as to what an industry could afford to pay, and have fixed some rate which is perhaps above what would be considered a minimum rate. Those people under those Trade Boards now want some greater elasticity to rectify that somewhat high minimum rate which has been established when the cost of living and conditions of industry make it difficult to maintain that higher rate.

935. . . . Then the next [chief and only other] point is the speeding up of the machinery for altering rates. (Page 114.)

Statement of Mr. Herbert Kay on behalf of the London Employers' Association (400 members, 60,000 to 70,000 workers) and member of six Trade Boards, women's clothing, millinery, feathers, corsets, etc. December 14, 1921.

6131. *Lord Cave:* You mention the difference between the two Trade Boards Acts, with which the Committee is now familiar; what is the attitude of your association towards Trade Boards?—As defined here, we say, in the first instance, that the Government should make very sure that wage-regulating machinery is necessary before applying it, and, if that be the case, then we say that we have no objection to Trade Boards; in fact, we prefer them to other machinery, provided their work is confined within limits similar to those imposed by the Act of 1909.

6132. Your view, I gather, is that rates of pay are better determined by collective bargaining than by wage-regulating machinery?—Yes, provided always that the organisation is sufficient on either side to justify that position.

6139. *Lord Weir:* Assuming that a Trade Board has been applied to a trade, what is the essential point for which you prefer the 1909 Act?—Because of the reason I have just stated, that we feel that the prevention of sweating is desirable, or the prevention of real under-

payment, whereas, as I understand, the Act of 1918 is a piece of machinery which is intended in fact to regulate wages throughout the industry. (Page 440.)

6152. *Lord Cave:* You agree that some of the rates of payment were too low?—I do. I think we cannot get away from that, and I have in mind particularly the conditions which were in existence before the Trade Board was actually set up in the dressmaking and other cognate trades. (Page 441.)

Statement of Newcastle and Gateshead, Incorporated, Chamber of Commerce.

As there is a fear that the abolition of the Trade Board might result in imposing sweated conditions, I suggest a low fixed minimum wage, to vary according to the rise and fall in the cost of living. Anything above this minimum wage to depend on ability. (Page 960.)

Statement submitted by The Edinburgh Chamber of Commerce and Manufacturers. December 15, 1921.

No general desire for the abolition of the Trade Boards is apparent. The general feeling seems to be that the 1909 Act should remain, but that the 1918 Act should be repealed or radically modified. It is generally agreed that the Act of 1909 achieved a good result in improving conditions of employment in sweated industries.

Statutory regulation of wages is economically as unsound as would be the statutory fixing of prices of commodities. Whilst it is highly desirable that abuses, such as sweating in certain industries, should continue to be prevented by legislation, it is time that Government interference in industry should be cut down and strictly limited to the prevention of abuses. (Page 958.)

Statement of Mr. Alexander Ramsay, Chairman of the Birmingham and Wolverhampton District Association of the Engineering and National Employers Association. Dec. 13, 1921.

6082. . . . If you take the manufacture of metal products, for example, my own Association covers 170,000 workpeople. I do not suppose that there are more than 2,000 within our control who are covered by the Trade Board. (Page 432.)

6033. *Mr. Poulton:* What would you do, then, with that great mass of employers who are outside organisations, and employees who are outside unions, because possibly some of their economic conditions are different from those of the organised parts of the industry. I mean, with some of the smaller men the wages might be exceptionally low; what would you do with them under your method?—What I should do is this: the Act of 1909, the parent Act, provides that where it can be shown that wages are exceptionally low in relation to other wages, a Trade Board should be set up. I should apply the 1909 Act.

6034. So that, as a matter of fact, although you have taken a strong view, at any rate, against the 1918 Act, you would not abolish Trade Boards altogether?—No, not at all, but I should change the "circumstances."

6035. *Lord Weir:* That is, you would leave the "circumstances" to be entirely a measure of "exceptionally low," rather than based on lack of organisation?—Lack of organisation often merely in the opinion of an official of the Ministry of Labour. (Page 430.)

Evidence of Associations of Employers in Trades Named in the Original Act of 1909.

Statement of Mr. David Little, past chairman of the Wholesale Clothing Manufacturers' Federation and employers' representative since July 1910 on the Tailoring Trade Board and its successor, the Readymade and Wholesale Bespoke Tailoring Trade Board. Dec. 6, 1921.

. . . The chief work of the Board has, of course, been the fixing of minimum rates of wages for male and female workers in the trade.

It may be noted that up till October, 1916, in the case of female workers and up till December, 1919, in the case of male workers, the minimum rates fixed were one rate for all adult female workers and one rate for all adult male workers, with, of course, proportionate rates for the younger workers in each case. As regards the former the reason for special rates for female workers employed as cutters, trimmers and fitters-up was an agreement with the Home Office to fix their special rates because they were taking up the place of male workers of the same classes who were engaged in the war. As regards the latter several of the more skilled classes of male workers were dealt with, and thereafter the various classes of skilled workers were taken into consideration, and minimum rates were also fixed for these special classes. (Page 311.)

I am aware that there has been a good deal of complaint on the part of employers throughout the country who have not had much experience of Trade Boards against the power which the Trade Boards have to fix minimum rates for skilled workers, i. e., special classes of workers. The power was given under the original Act of 1909, but it has to be borne in mind that the rates which the Trade Boards fix for special classes of workers can only be minimum rates. It is, however, open to question that Trade Boards in their initial stages should be able to fix such rates. The suggestion might be that in

the first instance they should simply content themselves with fixing the General Minimum Rates for the whole class of male workers and of female workers. This would enable the trade to settle down to the new conditions before beginning to deal with rates for the skilled workers. In that case it might be wise to lay down that until both the employers' and the workers' representatives agree to the fixing of such rates the Board should not have the power to do so at least for a period of say two years from the date when the first General Minimum Rates were made effective.

The employers' representatives have noted the agitation in the Press and otherwise against Trade Boards. Their view is on the whole that the work of Trade Boards so far as the Readymade and Wholesale Bespoke Tailoring Trade is concerned has been of benefit to the trade inasmuch as it has substantially raised the level of wages paid in the trade over those paid prior to its being set up and has created better organisation in the factories. It has also raised the standard of living of the workers concerned, and it may be added that the improved relationship between employers and workers has been more marked, and is largely due to the better understanding arrived at as a result of the frequent meetings of the Trade Board. The employers' representatives would point out that the high rates obtained in many Trade Boards have been largely due to the abnormal conditions of the war and are of opinion that had there been normal conditions the rates of wages would not have been so high and would have varied to something like the same extent as had taken place in the case of the early boards which were established about 1910.

The employers' representatives accordingly do not favour the abolition of Trade Boards. On the other hand, however, they have strong views upon the necessity of simplifying and improving the present administration. (Pages 311-312.)

It is understood that many employers object to the Act of 1918, seeing that it alters the basis of the Act of

1909, upon which the Trade Boards could be set up. The new basis under the 1918 Act is as follows, viz.:

> "That the Minister of Labour may make a special order applying the Principal Act to any specified trade to which it does not at the time apply, if he is of opinion that no adequate machinery exists for the effective regulation of wages throughout the trade."

No opinion is expressed with regard to this, but it is suggested that there is very little real difference between the two bases. Not merely is the want of organization of the trade necessary, but the rates of wages prevailing have to be considered, which obviously means the giving of consideration to rates of wages which are exceptionally low within the meaning of the 1909 Act. (Page 313.)

3837. *Lord Cave:* With regard to the minimum rate, do you think that the compulsory powers which you have are necessary?—In our industry, yes.

3838. That is, you would have employers who might pay a rate so low that it would not really be a proper rate of wage to pay?—. . . . In many cases we are of the opinion that without that compulsion there would be a large number of employers who would ignore what I would term the agreed rate as decided between the Federation and the Unions.

3843. *Lord Weir:* Then your interpretation was that the 1909 Act was an anti-sweating Act, and that all you had to protect was the lowest-paid worker?—They undoubtedly, in the first instance, received the first consideration.

3844. *Mr. Layton:* But with that system it was still the fact that higher rates were paid prior to 1916?—The minimum rates as fixed in the first instance were never considered to be the standard rates. Higher rates than those rates were generally paid.

3845. And under the pre-war conditions there was no tendency to reduce the difference between the rates paid for higher-skilled workers and the minimum?—No, undoubtedly there was not. In fact, I think on every determination, it may be somewhat pious, but there certainly was an understanding and words were inserted to the effect, that these rates were not to prejudice workers receiving higher rates.

3848. *Sir Arthur Pease:* Are the minimum rates which are now fixed by the Trade Board practically maximum rates?—No.

3849. Are they generally exceeded?—Undoubtedly, through the abnormal conditions prevailing during the war, the rates have increased to a point which brought them very near standard rates, and no doubt would influence an employer who was engaging labour, but I cannot admit that they were ever accepted as standard rates. (Page 314.)

3856. . . . . The rates of pay that could be earned in Leeds in our case never warranted being considered sweated rates, but our objection was only to being brought in because it was suggested that we were sweating our workers. We never objected to working the Act, in fact we decided to do our best to make the Act workable.

3857. *Dame Adelaide Anderson:* But do you not consider that it was very necessary, in other parts than Leeds, for raising the minimum wage?—We have always recognised that the Trade Board could do good to the industry. (Page 315.)

3920. *Lord Cave:* . . . I gather that the view of those whom you represent is in favour of the continuance of Trade Boards?—Undoubtedly.

3921. You think that they have had the effect of raising the level of wages over those paid previously?—Yes.

3922. I gather you think that your Board has improved the relationship between employers and employed?—I am sure of that.

3923. You point out that the wages have risen during the war to an abnormal extent?—That is so. There, undoubtedly, the cost of living was bound to influence the Board, because the position had become abnormal. (Page 317.)

4024. *Mr. Layton:* But that standard will cost very much less in Norfolk than in London?—We are not so sure of that from information which we have. We will admit at once that in certain country factories—and there are a few—workers can probably live for less. For one thing their rents would be less, and probably they would be at no expense in getting to their work; but all these points are very fully brought forward, as a rule, before any decision is arrived at.

4025. Then do I understand that the Board really has at the back of its mind that there is no justification economically for variations in wages?—We feel that the interests of the workers in the industry are fully served by one general minimum rate for that class of worker. In our industry there are more female operatives than men; we will take it that if you fix a legal minimum for a female worker of 18 years of age and over, you have fixed a rate which will give the necessary protection to the majority of the female workers in the trade.

4026. Do I understand your answer to be substantially that if you fix a rate which is an appropriate one for what I have called the low-wage district, it will in fact be a protection to other districts, because there is not a substantial difference in the minimum cost of living?—That is so.

4047. *Lord Weir:* From your experience of the two Acts—because you had a long experience of the 1909 Act—what particular benefit has the 1918 Act conferred upon a Trade Board? What help has it given?—We do not

think it has improved the position generally. We prefer to work under the old Act.

4048. Under the old Act you conld do anything for the good of the industry that you can do under the 1918 Act? —During the years that we were working under the old Act we did not feel any difficulty. (Page 322.)

Statements of Mr. C. J. Watts and Mr. Culross, representing the Paper Box Manufacturers' Federation and employers' representatives on the Paper Box Trade Board from 1910 to 1917 and from 1913 to date respectively. December 6, 1921.

4134. *Lord Cave:* You were one of the original trades?—(*Mr. Watts*): Yes, we were. (Page 326.)

4229. The Act of 1909 worked well?—(*Mr. Culross*): Yes.

4231. . . . Our view is that the old Act gave the protection to the trades which were necessary to be protected.

4232. And to the workmen in those trades?—Yes, and to the workmen in those trades. The Act has done our trade good; there is no question about that.

4233. It has raised wages?—It has improved the conditions. It has eliminated the person whom all decent employers objected to; it has eliminated the person who sweated his workpeople.

4234. *Dame Adelaide Anderson:* And it has also brought the employers and the workers more in conference together?—Yes, undoubtedly. We have had practically no trade disputes since we have come under the Board. There have been some occasions at times of difficulty, but they have always been got over. (Page 330.)

4268. *Lord Cave:* I would like to know the net effect of what you have said. You say the Trade Boards have done the trade good. On the other hand, you say that

certain rates of wages have done the trade harm by making the production more expensive. What is your remedy for it? Obviously you do not want to abolish the Trade Boards.—No.

4269. Do you want to reduce their operations in any way or to lay down certain rules to govern them?—I think on three grounds; we want greater elasticity in the working of the Act itself, a shorter period for such alterations as are necessary; we want to govern our own house without the continual interference (I use the word quite inoffensively) of the Ministry, subject, of course, to some ultimate control by the Minister, I quite agree; and it would be an advantage if we had some other words than "ordinary worker" in the Act. We want also some greater latitude in regard to the infirm person, because there are a very large number of infirm persons in our trade. (Page 331.)

Statement of the employers' side of the Lace and Net Finishing Trade Boards. November 16, 1921.

We have been doing our best for about eleven years to put up with the serious defects of the Trade Board system because it has one great redeeming feature, i. e., it gives power to take legal proceedings to compel the would-be sweater among employers to pay the minimum rates fixed and so tends to eliminate the undesirable or incapable employer. For this reason we have been content to wait for amendments to the Act to rid us of the serious difficulties which it has imposed on us, . . . (Page 199.)

(1) Middlewomen and middlemen.

Copy of a letter sent to the Minister of Labour:

Sir,

The members of

The Nottingham Chamber of Commerce,

The Nottingham Lace and Net Finishers' Association, and

The Nottingham Homeworkers' League

desire to draw your attention to difficulties that have arisen in the lace finishing trade owing to the fact that no cognisance is taken of middlewomen in the "Trade Board Acts, 1909 and 1918." In consequence no remuneration for middlewomen can be fixed by the Lace Finishing Trade Board. This anomalous position of the middlewomen results in their being grossly underpaid by the bad employers, thus penalizing the good employers, and inflicting hardship on the workers to whom the middlewomen distribute the work. (Page 200.)

(2) Foreign Competition.

The foreign competition which is most prejudicial to the Lace Finishing Industry is that of an exactly similar industry in France, in which country the scale of wages paid for precisely similar work is, at the normal or prewar rate of exchange, actually less than half the rates fixed by the Board, whilst at the present rate of exchange it is less than one-quarter of these rates. . . . It is absolutely essential therefore that there shall be new legislation providing that the appointed members *shall* take into consideration the incidence of the lower rates paid in these similar industries abroad which are competitive in the markets of the world and in the home market. Failing this, Counter-Vailing Duties must be imposed that will balance the difference between the rates paid abroad and the rates fixed by the Trade Board, so that if we cannot compete in foreign markets we may at least retain our home market. (Page 199.)

Evidence of Associations of Employers in Trades Brought Under the Act in 1913.

Statement of Mr. S. W. Pascall on behalf of the Food Manufacturers' Federation, original member of the Sugar Confectionery and Food Preserving Trade Board established in 1914. December 15, 1921.

The Sugar Confectionery Trade Board started with a minimum wage of 3d. for women and 6d. for men . . . .

Some employers, of course, thought the heavens were going to fall, but they have found it possible to pay the higher wages since fixed and to pay their own way.

The Food Manufacturers' Federation as a whole undoubtedly favours the Trade Board system with certain reservations. As to that, I understand, all the employers affected by the older Boards are agreed. It has reduced sweating to a minimum—it would have completely destroyed it had it been possible to secure rates being paid by all the small manufacturers—it has not only benefited the workers in this respect, but also the manufacturers by removing one source of unfair competition and by improving factory management rendered necessary by the obligation to pay increased wages. It has led to better relations between employers and employees, and induced both sides to become more thoroughly organised. (Page 465.)

Statement of Mr. Frank Nutter Hepworth, until recently Chairman of the British Tin Box Manufacturers' Federation, and employers' representative on the Tin Box Trade Board. December 6, 1921.

The witness handed in as his evidence-in-chief a statement in agreement with that handed in by the witness of the Wholesale Clothing Manufacturers' Federation, Mr. D. Little.

4275. *Lord Cave*: When was your Board formed?—In January of 1915, that is the first meeting. (Page 331.)

4285. Upon the whole, Mr. Hepworth, do you consider that the Trade Boards Act has been beneficial to the trade?—Yes, I do.

4286. It has improved the conditions?—Yes, I think that it has in every way.

4297. You were set up under the Act of 1909?—Yes.

4317. *Mr. Layton*: What would you say is the predominant idea that the Trade Board endeavours to give expression to?—Undoubtedly, to a certain extent, the cost of living, but also a feeling, I think, which a good many people have that the rates paid originally were not reasonable rates, and with a distinct desire to improve conditions as far as possible. (Page 332.)

Statement of the Wrought Hollow-ware Trade Employers' Association.

1. The Hollow-ware Trade Board (Great Britain) was established in 1913 and first began to regulate the wages of workers in the hollow-ware trade in 1916.

3. The Association desires to represent to the Committee that its members are strongly in favour of maintaining machinery in this trade for the enforcement under legal penalty of minimum day rates which shall apply throughout the whole of this trade irrespective of the district in which the individual factories are situate.

4. The Association is not aware of any alternative machinery which would be likely to fulfil this object more efficiently than the Trade Board now existing and while great importance is attached to the amendments suggested in this memorandum, the Association strongly urges that subject to these amendments the Hollow-ware Trade Board should continue to function. (Page 990.)

Evidence of Associations of Employers in Trades Under the Act of 1918.

Statement of Mr. H. Crabb, President of the National Federation of Boot Trades Association (200 branches, 8,000 employees) and employers' representative on the Boot and Shoe Repairing Trade Board. January 18, 1922.

Before the Trade Board was set up [April 18, 1919], the boot repairing trade was in a condition that left much to be desired. It was regarded as a dumping ground for the crippled and the mentally deficient . . . . This trade, which at one time was regarded as one of the skilled crafts of the country, had, immediately prior to the establishment of the Trade Board, come to be looked upon as almost an unskilled occupation.

I have great pleasure in testifying to the improved conditions in the industry during the short time the Trade Board has been in existence. The boot repairing trade has been raised from the position of a sweated industry to the level of other skilled trades, and credit for the improved status of the industry must undoubtedly be given in great measure to the operation of the Trade Board.

As President of the National Federation of Boot Trades Associations, I can claim to know the opinions of the majority of those concerned on the employers' side, and can say that, out of 200 branches covering the whole of England, only one branch has passed a motion in favour of the abolition of the Trade Board.

. . . From my experience as a member of the Trade Board, I am convinced that it is the only possible system to prevent the boot trade and other badly organised trades from reverting to pre-war conditions. (Page 697.)

Statement of British Brush Manufacturers' Association. December 15, 1921.

The employers in the brush and broom industry are in favour of the Trade Board principle of settlement of

wages, and consider the presence of Appointed Members on fixing the lowest minimum rate for unskilled workers is desirable. While the employers consider that the Trade Board should have the power to fix rates for skilled labour, owing to the want of knowledge of the Appointed Members of the various degrees of skill required for different operations, they should not be able to give their casting votes on the question of skilled rates in the case of dispute. (Page 475.)

Statement of the Coffin Trade's Section of the British Traders Association, Birmingham. December, 1921.

I am desired to say that on the whole manufacturers are of the opinion the Trade Boards Acts have been beneficial to the trade (coffin furniture and cerement making). At any rate, the advantages have outweighed the disadvantages. The greatest complaint we have to make is the unnecessary delay in administration. (Page 972.)

Statement of British Corset Manufacturers' Association, Ltd. January 26, 1922.

At a meeting of the employers' representatives . . . [they] expressed a view in favour of the continuation of Trade Boards, as in their opinion judging from their experience of the Board for the Corset making Trade, they consider its operation as having a decided advantage to the trade, in that it has (a) made for better conditions of living for the workers by the payment of the higher wages generally paid by the better employers; (b) brought about better organization in many factories; and (c) been the means of improving the relations between employers and employed as since the formation of the Board no disputes have taken place. (Page 972.)

Statement by Mr. Foster G. Robinson, employers' representative on the Paper Bag Trade Board since it was established in May, 1919, on behalf of the United Kingdom Paper Bag Manufacturers' Association.

The employers' representatives have no reason to complain of the rates which have been fixed from time to time by the Board since its formation . . . On the whole the employers' representatives cordially agree to the formation of the Trade Board and consider that it has been the means of doing much good generally to the trade, and on that account they strongly desire the continuance of Trade Boards. On the other hand, however, they have strong views upon the necessity of simplifying and improving the present administration. (Page 993.)

Statement of Mr. T. Ernest Jackson in behalf of the Incorporated Association of Retail Distributors. (85 distributive firms, 60-70,000 workers, and 20-25,000 more workers in manufacturing and "making up" trades). November 16, 1921.

It has been generally recognised by employers that the original Trade Board Act achieved a good purpose in raising the standard of life in the "sweated" trades, contained in the Schedule of that Act, and that the subsequent extension of that Act to certain other recognised "sweated" trades by sanction of Parliament also achieved a good purpose. (Page 190.)

If the original purpose of the Trade Board Acts, namely, to prevent "sweating" by fixing a minimum wage, had been adhered to, a considerable part of the objections raised by employers would be unnecessary. (Page 191.)

Statement of Mr. John Chalmers, Chairman Scottish Federation of Aerated Water Manufacturers' and Bottlers' Associations. November 30, 1921.

3758. . . . Immediately before the war the wages were from 10s. to 12s. per week; but before the Trade Board came along at all the wages had been raised to 22s. and 24s. a week.

3759. *Lord Weir*: So that normally under the 1909 Act you would not have expected a Trade Board to be set up for the trade?—Not at the time it was set up. There may have been some justification in 1906 under the old Act. We do not object to the old Act, but we object to the 1918 Act. (Page 308.)

3772. *Sir Arthur Pease*: You express a view that wages in these industries would be higher than they had been before the war; but do you think that is possible? Do not you think that every class of the community will have to take lower wages and lower salaries than they did before the war, having regard to the wastage of war?— . . .

3774. . . . In answer to your question, I think our view is that they will be absolutely unable to share in it [the decrease of "real wages".] You cannot ask them to share in a thing which they are not able to do; and to drive them back to as low wages as they received in 1906 would be unthinkable.

3775. Even if conditions were the same—even if the cost of living were the same?—Yes, even if the cost of living were the same. (Page 309.)

Statement of Mr. R. M. Maxwell on behalf Scottish Garment Makers' and Millinery Trades' Federation [300 employers and 7,000 employees]. December 8, 1921.

4904. . . . "Generally speaking, our trade in Scotland, contrary, perhaps, to the majority of trades, and

certainly contrary to the trade in England, is in favour of the general principle of the regulation of wages."

4905. *Lord Cave:* Do you mean you are in favour of the regulation of wages for each class of worker, or only for the minimum wage to be regulated?—For the regulation and fixing of minimum rates.

4909. *Mr. MacCallum Scott:* You have different ranks of skilled workers. Do you mean one minimum for the lowest class, or do you mean different minima for each of the ranks of skilled workers according to the degrees of skill?—As far as dressmaking and millinery is concerned, we would fix minimum rates for the learners up to the age of 19.

4910. *Mr. Poulton:* Not beyond?—Not beyond. At 19 years of age then the minimum would be fixed whereon you could work for your experienced workers.

4912. . . . "We are in favour of this [Trade Boards] for various reasons, namely: (*a*) A more highly-organised community necessarily must mean the extension of the principle of collective bargaining in place of individual bargaining. We shall not be able to avoid this in the future—it is a necessary development; (*b*) these trades consist of a large number of small employers who have never hitherto been organised. Many such businesses do not have any employees at all, while in many cases dressmakers go out by the day to work in the houses of private persons. In view of the humble conditions of the businesses of many of such, the narrow margin of profit, and the nature of the occupations, it is very difficult to say if they ever can be fully organised; (*c*) these conditions result in a tendency, in many cases, from economic pressure to pay low wages. This tendency to pay low wages will be permanent in the trade unless some State regulation takes place." (Page 367.)

4935. "(*d*) In order to prevent this tendency it is desirable that some kind of minimum wage should be compulsorily and statutorily established. The Board seems to us the best method of doing so.

"(*e*) It has to be kept in mind that the payment of low wages by one employer tends to result, through competition, in the payment of low wages by others. The Trade Board system seems the only way of preventing this. It protects the good employer, paying reasonable wages, from the employer who pays a sweated rate of wages.

"(*f*) Further, in country districts the opportunities of shopkeeping employers are necessarily restricted, and employees have not, as in towns, the possibility of organising to secure reasonable wages. The Trade Board system seems the only method of safeguarding employees in country districts whose wages, through the operation of economic circumstances, may tend to become unduly low.

"(*g*) While in trades highly organised into federations of employers, it may be possible to arrange questions for the whole trade between employers and employees direct, this system is not practicable in the case of trades wholly consisting of small businesses up and down the country, owned by those who, in many cases, have little or no trade consciousness.

"(*h*) The Trade Board system, therefore, offers in our case a preferable method to that of fixing trade wages between the employers' federations (which, in the circumstances of our trade, can never include all employers) and the Assistants' Union (which, for similar reasons, can never include all the assistants). (Page 368.)

Statement of Scottish Blouse, Overall and Underclothing Manufacturers' Association.

Generally speaking this Association is in favour of Trade Boards, but not of the present machinery particularly as this relates to professional representation of the workers. (Page 793.)

Statement of Mr. J. D. Mounsey, wholesale manufacturer employing two men and 200 to 250 women, representative of the unorganized employers on the Hat, Cap and Millinery Trade Boards for England and Wales. November 16, 1921.

1892. My question was an attempt to ascertain your opinion as to the value of the Trade Board in your district—whether you would like to be without it now in your industry?—No, I have already stated that my personal view is that it should be maintained, but should only have power to fix a minimum wage; it should not go any further than the living wage. (Page 172.)

EVIDENCE OF OTHER EMPLOYERS' ASSOCIATIONS.

Statement of the National Farmers' Union.

In the opinion of the National Farmers' Union, Trade Boards should be restricted to their original function, i. e., dealing with sweated industries where workers are employed under anti-social conditions, thus involving an indefinite subsidy to such industries by the community. That the Trade Boards in practice have not accepted this as their proper function is proved by the fact that they have fixed varying minimum rates, not only for different industries, but in various branches of the same industry. In other words, they have become merely a piece of machinery for adjusting wage rates in industries already carried on under conditions which could not be classed as anti-social. For this function the machinery of the Trade Boards is too rigid and has broken down, especially during the period of economic disturbance through which we are passing.

Summary of Mr. J. J. Mallon in behalf of the Trade Boards Advisory Council of the General Council of Trade Union Congress and member of thirteen Trade Boards. February 8, 1922.

The Council feel bound to point out to the Committee that the main lines of attack pursued by witnesses opposed to the Trade Board system is an attack on any legal regulation of wages rather than mere hostility to certain detailed provisions contained in the Acts. From their knowledge of the conditions which have existed in trades now covered by the Acts, and which still exist in other trades in which protection has been delayed, the Council urge that any alteration in the Acts which makes a return to such conditions possible would be a national calamity.

They have tried to meet any criticisms based on a genuine grievance in the proposals embodied in this summary and in urging their acceptance upon the Committee, they desire to express the hope that the Committee will resist any attempt to make the present abnormal circumstances an excuse to weaken machinery which has stood the test of experience and has immense possibilities for good in the future. (Page 865.)

12,174. *Mr. Layton:* I fully appreciate your argument in general, but it is difficult to reconcile so strong an argument as this with the very general commendation which I think the overwhelming majority of the witnesses have given to the Act of 1909, under which most trades fixed just the single minimum rate? . . . (Page 873.)

12,175. . . . In the case of all those trades to which you have referred there was a quite deliberate departure, and a unanimous departure, from the principle of fixing a minimum rate to the principle of fixing an elaborate code of rates.

12,176. *Mr. Layton:* Later, after the war?—Yes.

12,177. But the commendation to which I was referring was of the effect before the war, when there was a single rate in operation?—All that they meant, I think, was that the Act in that form had conferred very great benefits on the trade, had furthered organisation, had brought employers and workers together, and had given to the trade an organ through which it could speak, and so on. That is all very true, but the result of their organisation was to make all these persons voluntarily depart from the principle of one rate to the principle of a code of rates, and I put it to you as very remarkable that not one of those Boards has expressed itself in any sense except a sense of, I think I might put it, very strong approval of the work of the Boards.

12,178. *Mr. Pugh:* That is to say the Boards that have had the most experience?—The Boards that have had the most experience. I think if you will analyse the objections of the employers you will find that they come not at all from employers who have had adequate experience; they come to a slight extent from those who have had a short experience; they come to a very large degree from those who have had no experience at all. Large bodies of employers who have never been under a Trade Board, but who have allowed themselves to be frightened by all sorts of bogies, have come along and have made a very large part of the trouble with regard to this matter; but every large body of employers who have had considerable experience of Trade Board machinery are, I think it is not putting it too high to say, satisfied with it. (Page 874.)

12,442. . . . The fact that the Boards and the Ministry of Labour have gone apart explains a good deal of the criticism which has been poured out on the Boards. A further explanation is that the dissatisfaction with the Boards is due very largely to the state of Trade. I can quite understand that in a time like this employers must be very anxious, or some employers must be very anxious, to get free of any restraint, and I think the protests to

which you have listened are just a register of that feeling. But I might make the suggestion that an analysis of the action of the Boards would show that these suggestions were not as numerous or as weighty as might appear. I have been looking into the matter since last week and so far as I can see, if you leave the Scottish Boards and the Irish Boards, as to which I am not so well informed, out of account, 19 Boards are in favour not only of the Boards continuing but of the exercise by those Boards of the powers which they at present possess. I will put in a list of those 19 Boards. I reckon that some 4 or 5 Boards are in a condition of divided mind and that possibly 8 or 9 Boards are against the Board continuing to exercise the powers which they at present exercise. Of those Boards one is the Grocery Trade which has not so far brought any rate into operation, and 2 or 3 are Boards which have had very little experience of the operation of the Act. I do suggest that that analysis shows that the great bulk of employers under the Trade Board system are in favour of it; and I would most earnestly like to put to you and to the Committee that if anything is done to weaken the Boards and to detract from their powers there will certainly be a very great national loss. I cannot overemphasize the extent to which, in certain trades, industrial relations have improved. On a number of the Boards we are working together as a team and there is a spirit quite new in the industry which holds out the most abundant promise for the future. All that rests on this power to fix rates of wages, not merely for those who are at the bottom of the industrial ladder, but for those who are higher up. We cannot have really satisfactory relations with these employers unless they are going to be able, along with the representatives of the workers, to draw up a scale of wages which they think to be fair and to see that that scale is imposed on the industry as a whole. If that power is conceded, under the shadow of it, a development of good industrial relations is possible, but not if that power is taken away. So that I do put it to the Committee that before anything, even the least power, is taken away from any Board it

should be considered how much may depend upon the subtraction of that power.

12,443. *Mr. Poulton:* On that last point with regard to the analysis, the 10 Boards that you name, I should like to be informed if you can give me any information, because I do not remember any such number as that being in favour of abolition. I thought it was only a few in favour of abolition?—Not abolition; this is not an abolition list.

12,444. A number of them said that they would like them altered, but they were in favour of the Boards continuing?—Yes. This is entirely on the question of retaining present powers.

12,445. It does not refer to abolition at all?—Oh, no.

12,446. *Lord Cave:* Will you hand in that analysis?—Yes.

12,447. Have you taken it from the evidence?—I have taken it from my own knowledge of the Boards, but I will buttress it with the requisite evidence.

12,448. *Dame Adelaide Anderson:* Have you a figure for those who really do desire abolition?—I think there are hardly any if there are any.

12,449. *Sir Arthur Pease:* There is the jute trade?—Yes, there is the jute trade possibly.

12,450. *Mr. Poulton:* And the Birmingham people, the Hook and Eye people?—There were two or three cases so far as I have followed the evidence in which preference was expressed for a national minimum wage as against Trade Boards, but I do not think anybody was against regulation in any form.

12,451. *Mrs. Lyttelton:* I think the Rope people were?—No. They asked me to attend the meeting of that Board (I am not a member of it) to consider the question of the evidence they should submit to this Committee, and I was allowed to take part in the discussion.

Mr. Buckpitt, who is a leading member of the Board, expressed his complete satisfaction with the Board—that was his view at the time—provided it was taken away from the Ministry of Labour.

12,452. *Lord Cave:* I suppose you are only dealing with the employers' sides?—Yes, I have assumed that all the workers' sides are in favour.

12,453. I think there was hardly any body of any importance which even suggested the abolition of Trade Boards?—No.

12,454. I mean my impression is that there has been a very strong consensus of evidence in favour of the anti-sweating powers of the Boards being retained, but have you included in your list those bodies which favour confining the Boards to anti-sweating, and really keeping to anti-sweating functions apart from wage-regulation?—Yes, I have treated all those trades which desire that the Board should be limited to the fixing of anti-sweating rates as anti. The Boards I put into the positive list are the Boards which favour the retention of present powers. I think in the list I can show 19 or 20, probably 20, trades. There are some trades which I have not put into any of these categories, because they have not given any evidence at all, and I do not know what their mind is.

12,455. I suppose an employer who is on a Board has rather a tendency to support it than an employer who is not on the Board?—Yes, I should say that was true in general, but I should explain it by saying that he knows more about the matter than the man outside.

12,456. *Mr. Poulton:* With your long experience of these Boards, right from the inception of the first Act, would you say, on the whole, apart from the question of raising wages, they have been beneficial to the country?—I think there is no kind of question about that. I should like to put this in. It is a letter which was sent to the *Star* on Thursday, October 6th, by a Mr. Duncan Campbell, of Messrs. Horne Bros. I put the letter in more

readily because I have never met Mr. Campbell, and I did not know what his views were. He says what has happened in the wholesale tailoring trade. He says, for instance—he is talking of the period before the Boards were set up—"The best employers were undercut by the products of the sweat-shops. Gradually, but surely, the skilled workers were being forced towards the pittance on which fresh importations from Poland could live in some East End cellar. Disease and discontent were spread through the community. Did such conditions exist to-day, the East End would be solidly Bolshevik, and who could blame them?" But he goes on: "This shameful state of things was ended by the Trade Boards. Their minimum wage secured the workers against sweating, and at the same time protected all the decent employers against being undercut by the sweat-shops. The Trade Boards are an ideal method for the peaceful settlement of industrial troubles. In some respects they need altering, but their abolition means the return of the hideous sweating system"; and so on.

12,457. *Dame Adelaide Anderson:* Have you ever read Lakeman's account in the Report of 1893 or 1894, or thereabouts, of the shops in the East End?—Yes, I did.

12,458. There are lurid details given there?—Yes. The experience of that trade is the experience of a great many trades with which I have had to do, and I have seen these trades being cleaned up by Trade Boards; and it fills me with despair that anybody, with all this evidence before him, should take a circumscribed view of the work of the Boards. (Pages 889-890.)

Statement of the National Women's Advisory Committee of the National Federation of General Workers (over 1,500,000 Trade Unionists of the unskilled and semi-skilled class). December 14, 1921.

Experience shows that some such method for regulating wages and controlling conditions is absolutely

necessary if a reasonable standard of living is to be secured and maintained for those engaged in occupations which are not strongly organized.

We do not propose to submit many examples showing how the application of Trade Boards has materially improved conditions, for this is generally accepted.

In the Net industry, a recent inquiry showed that the rate paid for making billiard-table pockets worked out at 2d. per hour. A Trade Board rate was fixed at 7d. per hour—an immediate improvement for the worker.

The Tailoring trade is an outstanding example of the value of Trade Boards. The conditions in this trade were a scandal, but since 1909, when the first Trade Board was established, conditions have very greatly improved, and the trade stands upon a much higher level. In slack times it was customary to ask the girls to work for lower wages to enable employers to make "stock", but we record with satisfaction that since the Trade Board was established disputes on such questions have been almost eliminated.

One of the first Trade Boards set up, the *Cardboard Box Board,* has as one of its sections members of the Match Industry, who manufacture 90 per cent. of the match boxes used in the trade. This section was notorious for its sweated rates of wages and had no organisation amongst its workers, and has at least gone along the lines indicated by Sir Montague Barlow. The workers and the employers are organised 100 per cent. and have a "Match Joint Industrial Council," which has a wage agreement covering the whole industry—higher than the Trade Board rates—and has not been reduced. It was the earnest desire of the full Joint Industrial Council to send a request to the Minister of Labour to ask that the Box Makers Section be exempt from the Box Trade Board. The members of the Council were in agreement that the Minister of Labour should be asked to receive a deputation, where all the evidence was laid before him, pointing out that Clause 3 of the Trade Boards Acts, 1909 and 1918, contemplates the possibility of the application of the Trade Boards Acts becoming unnecessary, in con-

sequence of alteration in the condition of employment in any trade.

The Match Industry at the present date shows an example of complete organisation on both sides, and is well known to have been one of our worst and often quoted sweated industries.

This instance shows that an industry, formerly requiring a Trade Board for the protection of the workers, has now reached the much higher stage of organisation fitting it for a Whitley Council. (Pages 451-452.)

Summary of Miss M. J. Symons, Assistant Secretary of the Women's Section (40,000 members), National Union of General Workers; Member of Boot and Floor Polish, of Laundry, of Ostrich and Fancy Feathers, of Stamped or Pressed Metalwares, and of Tin Box Trade Boards. February 15, 1922.

12,468. . . . . I do not think it is an exaggeration to say that in certain of these industries the rates of wages and the conditions which are now existing are quite as bad as the worst cases of sweating which led to the passing of the 1909 Act.

12,469. *Lord Cave:* Is that so in the catering trade? —In the catering trade and in some of the other trades which appear in this list which was given by Dr. Macnamara in the House of Commons in March, 1921. The distributive trades, of course, have been fully dealt with before you, and I will not go into them. But trades like the textile smallware trade—the small ribbon making and silk goods of the kind which are made in the Coventry districts, the hatters' fur trade and most of the trades which appear on this list—have got, if not general underpayment, either certain districts or certain small classes of employers who are at the present moment paying wages which certainly compare unfavourably with the instances which were quoted in support of the 1909 Act.

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12,470. . . . . The difficulty which will, I think, be obvious to you in these trades is that it is quite im-

possible to get anything adequate done in the absence of a Trade Board. Take the hatters' fur trade. I have met several firms in the London district lately, and in one or two cases the firm simply said that they could not raise their rates because of the competition of all these other firms who are underpaying. In other cases there is such victimisation that it is impossible for the workers to do anything. We have had severel cases in that trade where the workers who have approached us have been instantly dismissed and replaced by other workers. (Page 894.)

It must be pointed out that the time when low wages and unemployment are most prevalent, and therefore the need for the protection of the Trade Board greatest, is precisely when it is most difficult for the workers to come forward and give evidence as to low wages.

Recent experience with regard to the Catering trade proves that long hours, underpayment and the fear of unemployment render the workers increasingly unwilling to volunteer information as to their conditions. (Page 893.)

Evidence of Trade Unions Connected with Particular Trades.

Letter from National Laundry Workers' Union. December 10, 1921.

I have been requested to state that the Trade Board for Laundry employees has been highly appreciated by them, and their hope is that it may continue to ensure the necessary protection until this class of workers is better organised, protection from the sweated conditions and long hours to which some employers would certainly revert. (Page 1002.)

Statement by Miss M. C. Steen, Assistant Scottish Organiser, National Amalgamated Union of Shop Assistants, Warehousemen and Clerks, Member of Dressmaking and Women's Light Clothing Trade Board (Scotland) (Workers' Side), secretary of Workers' Side, Hat, Cap and Millinery Board (Scotland).

While I do not think that Trade Boards can adequately legislate for all the needs of Dressmaking and Millinery Workers, their retention is in my view absolutely necessary in order that a reversion to the state of affairs, which at one time existed, may be prevented. (Page 1000.)

A very large proportion of the nation's young women are employed in the sewing trades, and from the view of race preservation alone it is essential that they should be guaranteed at least a minimum of comfort. Organisation can do a great deal in large towns and establishments, but the Trade Board alone can legislate for the trade as a whole. (Page 1002.)

Resolution of the Scottish Council for Women's Trades and Union for the Abolition of Sweating.

In view of the beneficial effect which Trade Boards have had in their application to sweated and low paid industries, the Scottish Council for Women's Trades and Union for the Abolition of Sweating while recognizing that in some cases the administration of the Boards may be open to revision, would strongly urge their retention by the Government as an absolutely necessary protection for large sections of women workers. (Page 1010.)

Statement of Professor F. Tillyard, Professor of Commercial Law at the Birmingham University, Chairman of the Birmingham Court of Referees. Chairman of Lace Finishing, of Coffin Furniture, of Chain, of Hollow-ware, and of Tin Box Trade Boards and member of the Tailoring Trade Board. February 15, 1922.

12,483. . . . Most of my Boards are what I might call local Boards, and we are legislating more or less for a particular district. But I was for some years on the Tailoring Trade Board, which is a national Board, and there there was a very strong feeling against legislation by district, though the conditions of the districts did in fact vary very much indeed.

12,484. *Lord Cave*: If a lower rate were fixed for a particular district the trade would migrate to that district?—Yes.

12,485. *Dame Adelaide Anderson*: Does a national Board like that tend to make the minimum rather lower than it might have been in some cases?—It did make the minimum lower than it might have been, but strange to say, it was more effective in some of the higher-paid districts than we had any anticipation that it would be. For instance, we knew when we fixed the rates in the tailoring trade that the great bulk of the employers in Leeds would be paying a higher rate than our Trade Board rate, yet we discovered that there was a certain number of small people in Leeds who were not paying even the Trade Board rate. It did operate to some extent in Leeds though nothing like to the extent that it did in the Eastern Counties. (Page 896.)

Evidence of Chairman of Trade Boards.

Statement of Professor L. T. Hobhouse, D.Litt., LL.D. Chairman of ten Trade Boards. (Has resigned from four of these which appeared to have come into smooth waters, namely, the Paper Bag, Tin Box, Wholesale Mantle, and Boot and Shoe Repairing Boards.) January 12, 1922.

Three Boards were soon established under this Act, [1909] and after an interval a fourth was added. Very shortly before the war, four more Boards were added in Great Britain, making eight in all. These are the old Boards which still exist and have had a comparatively long and ample experience. The initial difficulties were considerable but two things may be said to have emerged from the experience of these Boards. The first is the effect on wages, namely that of levelling up payment in the worst sections or firms to the standard of the better, if not the best, employers. That standard might not be all that every worker could desire, but it was undoubtedly a very substantial improvement and it may be said that in these industries the more serious forms of underpayment were brought to an end. Secondly, in spite of divergencies of interests and opinions, the Boards settled down to a certain measure of co-operation. Both sides accepted the situation and made up their minds to do the best with it. Many points of contact and common interest were revealed, and this in particular that with the rate once fixed it was as much to the interest of the employers as of the workers to see that it was uniformly enforced. Rates could be paid when imposed upon every employer alike, which no individual employer could afford as long as he was exposed to the risk of being undercut by a competitor. It may be added that the apprehension which had been felt in Trade Union circles that the Boards would supersede the necessity for trade organisations and would thereby kill such germs of Trade Unionism as existed in these industries proved to be unfounded. On the contrary some possi-

bility of improving their conditions by collective effort arose for the workers for the first time. They realised the necessity for having skilled representatives to put their case, and the employers on their side discovered the advantages of having an organised body with which to negotiate. (Page 660.)

But the difference noted above between the Acts of 1909 and 1918, with regard to the grounds upon which a Board may be established has a significance. In the first Act it is a matter of common knowledge that what is popularly called "sweating" was in question. In the second Act, besides "sweating" there was a question of the regulation of wages in cases where trade organisation was not strong enough to stand on its own feet . . .

In any case, since 1918, we find a double motive in the Trade Board system—the prevention of underpayment and the adjustment of wages and hours with a view to peace, good feeling and mutual co-operation. It will be shown that in Trade Board practice these two objects have led in practice to different methods of settlement.

I will take first the question of underpayment. Underpayment has two meanings, the one relative and the other absolute. There is relative underpayment when a particular worker or section of workers is receiving less than a rate generally recognised as appropriate to the class of work. Employers, like other human beings, differ individually. Some are more, some less, liberal. Some aim at high organisation with efficient and willing workers at good pay. Others with less organising capacity place more dependence on a supply of cheap labour. In this sense underpayment may occur at any grade. Many professional men who are better acquainted with the art of doing a thing than with the art of geting paid for it suffer from this relative underpayment.

Underpayment has a more absolute sense when it is so serious as to make no adequate provision for the physical necessities of the worker. Here we come to a question upon which an outsider is as well entitled to an opinion as any one concerned in a trade, a question of great importance to the community. Underpayment in

this form is a menace to health, vigour and civilisation. Now the reason why remuneration is inadequate in this serious degree may be personal to the worker or they may proceed from the operation of the economic system. In the first case, where the worker through physical or mental defect is unable to yield the "fair day's work" that corresponds to the "fair day's wage" special provision has to be made. It is primarily a matter of charity and perhaps of discipline. (Page 662.)

It must be borne in mind that the experts who have suggested the minima considered above have never put them forward as standard wages. They are basic minima below which, if economic circumstances permit, none should fall, but above which any may rise. Further, considering the wide margin of uncertainty in determining the basis, the local inequalities in the cost of living and the wide variations in family circumstances, it is socially desirable that where industry can bear it the more liberal interpretation of the minimum should be applied, and exceeded in cases where extra exertion or some degree of skill is involved. So far therefore as higher rates have been fixed without injury to a trade good has been done. (Page 666.)

As a matter of fact the new Boards have proceeded on much the same lines as the old ones, that is to say, by levelling up rates of wages to those which many employers were already able to pay, and it is comparatively rare that this levelling has been materially exceeded through any rules of the Board. From almost all the Boards the same tendency to a general acceptance of the position, the same development of a spirit of mutual good-will and co-operation has, in a greater or lesser degree, manifested itself, industrial peace has been kept and several Boards have testified to the good effects of the system upon the interests of the trade as a whole. (Page 667.)

9426. *Lord Weir*: As I gather, your principle is to try and support protection for the majority grade in any particular trade?—It is a matter of descending impor-

tance as rates increase. I am most keen about protecting the lowest grade—the poorest worker. I am next keen about the next grade, and I remain exceedingly keen as long as you are in the region of that 20s. difference that I spoke about. I want to get the best terms I can so far as the trade allows, and I do not think anybody disputes that, employers or employed. When I get above that grade I say I am getting outside my sphere of competence. I wish anybody well who is trying to do better for himself; I wish him well, but I do not know how much he can get. It depends on economic circumstances, and on his skill and so on, and I feel it is getting beyond me. But within that range I do want to be able to operate. I see great difficulty in defining that range, either by figures or by definition, such as, for instance, "Subsistence Wage" and "Living Wage". One must think of some other device if it is insisted that the Boards' powers should be limited. As a suggestion, if it is very strongly insisted that the Boards' powers with regard to higher rates should be limited, I would say, first of all, with regard to the higher rates generally, there are two alternatives: One is to cut them out of the Board altogether; the other is to cut out the powers of the appointed members and to leave it to the two sides to fix them. But, secondly, I would say this: The most important rates are those which affect what we call the living wage. With regard to those I have a suggestion which may be worth considering; that is, whether the Order constituting the Board might not assign the classes of workers for whom the minimum rates should be fixed. The Minister in making up the constitution of the Board gets a very intimate account given to him of the structure of the trade, and from that he gets as good a general idea as anybody can get at that stage of who are the classes that are upon this sort of level. That leaves it a matter of judgment as to what sort of classes should be operated on. Take my grocery case again. I have no doubt that the Minister's Order would have specified assistants and porters, and it might have specified clerks, some of whom are very ill-paid in the industry.

As practice and experience developed, he could specify the classes in accordance with these general ideas of the Act, on which stress has been laid. I do not know how far that will meet your point, but it is the only thing I can put forward for consideration.

9427. *Dame Adelaide Anderson*: Would you add that the Board, on finding another pocket which had not revealed itself, of underpaid workers, should have power to add them?—I think that would be quite easy. They could recommend the Minister to do that; they would have to get his consent. You might find some unsuspected set of workers who were worse off than anybody.

9428. You say on a previous page: "The object of the Trade Board system is to discover a rate of wages which will provide a reasonable livelihood for the worker without causing dislocation in the industry." That is, there is a standard in your mind. Just as under the Factory Act it is a question of protecting the safety of limb and life and health, and establishing standard hours and so on, you want the protection of a sufficiency for the workers?—Yes. (Page 689.)

Australia.

Commonwealth Bureau of Census and Statistics. Labour and Industrial Report No. 9. Prices, Purchasing Power of Money, Wages, etc., 1918.

Operations Under Arbitration and Wage Boards Acts.

Particulars of Boards and of Awards, Determinations and Industrial Agreements in Force at 31st December, 1913, and at Approximately Quarterly Periods to 31st December, 1918.

Dates	Boards Authorized	Boards Constituted	Boards which had made Awards or Determinations	Awards or Determinations in Force[1]	Industrial Agreements in Force
31st Dec., 1913....	505	501	387[2]	575[2]	401
30th April, 1914...	525	509	422[2]	575	415
30th June, 1914...	537	523	457[2]	584	429
30th Sept., 1914...	549	539	474	599	409
31st Dec., 1914....	553	544	478	576[2]	369
31st March, 1915..	560	551	486	589[2]	371
30th June, 1915...	568	557	495	638	481
30th Sept., 1915...	582	570	495	644	498
31st Dec., 1915....	573[2]	554[2]	498	663	546
31st March, 1916..	580	558	495	651	553
30th June, 1916...	589	571	512	678	581
30th Sept., 1916...	591	573	519	683	596
31st Dec., 1916....	594	572	525	706	609
31st March, 1917..	475[2]	470[2]	529	722	666
30th June, 1917...	476	471	530	714	663
30th Sept., 1917...	478	473	441[2]	734	666
31st Dec., 1917....	478	473	442	744	732
31st March, 1918..	478	473	444	767	722
30th June, 1918...	478	473	445	799	722
30th Sept., 1918...	480	475	445	843	812
31st Dec., 1918....	267[2]	260[2]	445	866	833

[1] Including awards made by Arbitration Courts.

[2] Owing to certain restrictions being imposed on the operations of Industrial Boards in each State, a number of awards which expired in New South Wales during the periods were not immediately reviewed.

It will be observed from the particulars set out in the above table that considerable expansion of the principle of fixation of a legal minimum rate of wage and of working conditions took place during the five years ending 31st December, 1918. Including the operations under the Commonwealth Arbitration Acts[9] and of the Western Australian Industrial Arbitration Court 291 additional awards or determinations were in force at the end of 1918.

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. South Australia New Minimum Wage Rates. December, 1921.

The South Australian Board of Industry has fixed the minimum wage for female workers over 18 years of age, in the metropolitan area, at 35s. ($8.52, par) per week, according to a consular report recently received by this bureau. This is an increase of 5s. ($1.22, par) per week over the minimum heretofore in effect, which was fixed by the South Australian Industrial Court in August, 1919.

The consular report states that:

This increase in the minimum wage for female employees has been awarded by the official board of industry at a time when many industries in South Australia are either idle or partially operating, and when the number of unemployed is growing larger. The premier for the State has announced publicly that any general increase of wages under the present state of conditions can only

3 Excluding awards or determinations which expired in New South Wales (under the Act of 1908) on 31st December, 1913.

4 Owing to a number of Awards made under the N. S. W. Industrial Disputes Act (1908) but still in force, the Boards constituted for such industries under the Industrial Arbitration Act had not made any awards.

5 See remarks with respect to re-authorization of Boards in New South Wales, Labour Bureau No. 12, p. 47.

6 Reduction in the number of Boards authorized, constituted and in existence is due to the dissolution of all Boards appointed under the Queensland Industrial Peace Act 1912.

7 Exclusive of Queensland Boards appointed under the Industrial Peace Act 1912.. The work of these Boards is now undertaken by the Court of Arbitration constituted under the Industrial Arbitration Act of 1916.

8 On the 13th December, 1918, an order was made by the New South Wales Court of Industrial Arbitration recommending the reconstitution of 220 Industrial Boards which had lapsed by effluxion of time, and on the 19th February, 1919, such Boards were constituted.

9 The Commonwealth Conciliation and Arbitration Act 1904-18, and the Commonwealth (Public Service) Arbitration Act 1911.

result in increased nonemployment and increased business depression.

In determining this minimum wage, however, the board states that it acted on certain assumptions, some of which are quoted below:

That, while the need for public and private economy is equally evident and urgent, the State of South Australia is not quite so hopelessly bankrupt in resources of material, or of mind, or of will, as to warrant the board of industry in declaring as a standard living wage for unskilled workers generally a sum inadequate to supply what may be regarded as the bare necessaries of life in a supposedly civilized society.

That there is no impropriety in the belief that a sane economy should be sought through increased efficiency on the part of either employees or of employers, or of both, in the complex mechanism of production rather than through wages so low as to menace the health of the working population, to depress purchasing power in the local market, and to give a legal sanction to the creation or growth of a malnutritioned and discontented proletariat. Further, that the employers and employees of this State, speaking generally, are not so devoid of intelligence as to fail to realize the importance of a more effective cooperation in the processes of production.

That the "normal and reasonable needs" of the wage earner as referred to in the statutory definition of "living wage" are not to be ascertained by reference to what may be deemed a possible scale of wages in industries passing through a period of abnormal depression due to world-wide influences.

That, with respect to industries of the kind just referred to, the State industrial court will adhere to its frequently reiterated policy of bringing parties together in order that they may discuss the desirability of carrying on for the time being, and if so, the question of ways and means by agreement of the parties.

That although a previously declared living wage during some time that it has been in operation may have become ineffectual to maintain the standard of normal and

reasonable needs owing to a rapid increase in the cost of living due to world-wide cause, the duty of the board as indicated by the Industrial Code is simply to declare a living wage for the future on such evidence as it has before it.

That, while the national production and income are relevant for the purpose of considering what wage may be considered a living wage, the duty of the board in respect to woman workers is to apply the standard of needs as distinct from the standard of the relative value of the work of man and woman employees respectively. (Pages 110-111.)

Commonwealth Bureau of Census and Statistics, Labour and Industrial Branch. Report No. 12. Prices, Purchasing Power of Money, Wages, Trade Unions, Unemployment, and General Industrial Conditions 1921. Melbourne, McCarron Bird and Co. 1922.

Labour and Industrial Conditions in Australia in 1921.

Operations under Arbitration and Wages Board Acts.

Industrial tribunals were active during 1916 to 1920, due mainly to applications for review of existing awards and determinations owing to the continued increase in the cost of living. During this period also awards were made for many industries and callings not previously subject to industrial award or agreement. This feature was most noticeable in Queensland and New South Wales, where arbitration has been extended to employees of the state public service.

During 1921 this activity of industrial tribunals continued, although the number of awards (422) made during the year shows a decrease when compared with the number (594) made during 1920, in which year the number is the highest recorded for any annual period since 1914 when these particulars were first compiled. At the end of 1921 there were 1,222 industrial agreements in force, as compared with 972 at the end of 1920.

There was a considerable expansion of the principle of the fixation of a legal minimum rate of wage and of working conditions during the eight years ending 31 December, 1921.

Industrial Disputes.

It is evident from the table below that industrial disputes were more frequent in 1921 than in any other year covered by the statistics, particulars being recorded concerning 624 dislocations of work. It is evident, however, that the significance and effect of industrial disputes is better estimated by considering the number of working days lost and the estimated loss in wages. On this basis the years 1919 and 1917 show the greatest losses, while in 1921 there was a considerable decrease on the two previous years.

A noticeable increase in the number of stoppages of work took place in 1921 in New South Wales. In all the other States the number of disputes was less than those recorded in 1920. The position which New South Wales occupies in comparison with other States is almost entirely due to the prevalence of disputes in connection with coal mining. Apart from these stoppages, the number of disputes in all other industries, while still in excess of that for each of the other States, does not compare unfavourably when the number of workers in each State is taken into consideration.

Table VI. Number and Magnitude of Industrial Disputes Involving Stoppage of Works in the Commonwealth of Australia 1913 to 1921.

Year	Number of disputes	Workers involved directly and indirectly	Working days lost	Loss in wages £
1913	208	50,283	623,528	287,739
1914	337	71,049	1,090,395	551,228
1915	358	81,292	583,225	299,633
1916	508	170,683	1,678,930	967,604
1917	444	173,970	4,599,658	2,594,808
1918	298	56,439	580,853	372,334
1919	460	157,591	6,308,226	3,951,936
1920	554	155,566	1,872,065	1,223,716
1921	624	165,101	956,647	757,028

(Page 216.)

Canada.

Alberta.

Canada. The Department of Labour. Labour Gazette. October, 1922.

A Minimum Wage Board has been appointed in Alberta in conformity with the Minimum Wage Act which was passed at the recent session of the Provincial Legislature. The new Board, which began to function early in October, is composed as follows: .....
(Page 1038.)

British Columbia.

(1) Reinvestigations for Compliance with Minimum Ordered.

Province of British Columbia. Department of Labour. Annual Report. For Year Ending December, 1919.

Comparative Statement Based on Returns from Employers in the Mercantile and Laundry, Cleaning and Dyeing Industries Showing Weekly Wages of Women Employees.

Wages	Mercantile Industry				Laundry, Cleaning and Dyeing Industry			
	1918—Before order Became Effective		1919—After Order Became Effective*		1918—Before Order Became Effective		1919—After Order Became Effective**	
	Number 18 Years and Over	Number Under 18 Years	Number 18 Years and Over	Number Under 18 Years	Number 18 Years and Over	Number Under 18 Years	Number 18 Years and Over	Numbe Unde r 18 Years
Under $6	3	42	...	...	...	...	...	...
$6 to $6.99	9	48	...	...	2	4	...	...
7 to 7.99	28	27	...	70	10	11	...	...
8 to 8.99	113	37	...	58	32	28	...	6
9 to 9.99	111	26	32	56	37	11	...	15
10 to 10.99	205	16	38	59	53	20	4	15
11 to 11.99	94	2	25	35	34	2	1	15
12 to 12.99	173	7	533	35	50	12	19	13
13 to 13.99	74	1	183	4	32	5	174	9
14 to 14.99	36	...	97	2	26	...	55	...
15 to 15.99	90	1	209	3	19	...	65	1
16 to 16.99	41	...	78	1	10	...	12	1
17 to 17.99	30	...	53	...	3	...	9	...
18 to 18.99	44	...	58	...	2	...	12	...
20 and over	78	...	122	...	2	...	10	...
Totals	1,129	307	1,428	323	312	93	361	75

(Compiled) (Pages 97-98)

*Wage order, $12.75 for a week of 48 hours and 26 9-16 cents per hour for additional work. Effective, February 24, 1919.

**Wage order, $13.50 for a week of 48 hours, effective March 31, 1919.

Province of British Columbia. Department of Labour. Annual Report. For Year Ending December, 1919.

General Comparative Summary of Mercantile and Laundry, Cleaning, and Dyeing Industries in British Columbia.

	Mercantile		Laundry, Cleaning, Dyeing	
	1918	1919	1918	1919
Number of firms reporting..	91	121	24	23
Average weekly wage—				
18 years old and over....	$12.75	$14.67	$11.80	$14.48
Under 18 years.....	7.80	9.73	9.69	11.19
Percentage of workers under 18	15.49	18.45	23.00	17.00
Average hours worked per week	49.6	46.1	47.2	45.1

(Pages 97, 98.)

A scrutiny of the returns reveals the pleasing fact that coupled with a general rise of wages there is a perceptible decrease in the hours of labour. (Page 85.)

In the Public Housekeeping Occupation the preliminary investigation showed the minimum wage to be $5; the average was $14.23 and the hours worked 50.6 per week. The legal minimum wage was set at $14 and became effective on August 16th, 1919. After that date the average wage rose to $16.20 and 48.95 hours were worked, or $1.97 per week higher than the previous average and the hours 1.65 less weekly. Before the Minimum Wage Order came into force no less than 55 per cent of the women eighteen years of age or over engaged in this occupation were receiving less than $14 a week. The proportion of those receiving $20 per week and over has risen from 4½ per cent to nearly 13 per cent. Girls under eighteen years of age have also participated in the general rise of wages.

In the Office Occupation the minimum wage was $4 per week before any Order had been made. Investigation showed that previous to the Conference in 1919 the average wage was $17 a week and 43.7 hours were

worked. The legal minimum wage was set at $15 and became effective on August 16th, 1919. From that date the average weekly wage rose to $18.24 and the hours worked fell to 43.6. There was a slight decrease in the number of employees and an increase of 0.52 per cent of girls under eighteen years of age. Here again an increase is shown in the number receiving more than the minimum wage, and also in the number receiving more than $20 per week.

In the Manufacturing Industry the weekly minimum wage before the Conference in 1919 was as low as $1.50 in some occupations, and the average was $12.55 for 46.6 hours worked. The weekly minimum was set by the Order at $14 and became effective on September 1st, 1919. The average wage increased after that date to $15.13 and the hours worked were reduced to 45.9. The last investigation shows a decrease in the employment of girls under eighteen years of age and an increase in the whole number of females employed. Here again the number of women in the better-paid positions—i. e., those receiving more than the minimum wage—shows a large increase. Analysis of the returns in this occupation is incomplete, as the Board has not yet fully established the rates of pay for apprentices or for inexperienced workers, nor the period that may be allowed workers in these classes to become proficient. At the time of compiling this report these matters are still under advisement.

The remaining Orders issued by the Board during the year 1919 have not been in operation long enough to warrant comparisons being made. (Pages 98-99.)

Province of British Columbia. Department of Labour. Minimum Wage Board. Report for the year 1920.

Improvement in Wages.

No one can study the returns made to this Board without remarking the general improvement shown in not only wages, but in hours of employment. While here and there girls may have lost their positions because

employers did not consider them worth the legal minimum wage, the returns show a distinct rise in wages of the whole body of women workers in British Columbia. Lower wages have been raised, and, contrary to all prediction, advances in higher wages are plainly indicated, a great number of employees passing up into the better-paid classifications. For example, in the mercantile industry the returns appear to indicate more than twice the number of adult women receiving the highest salaries ("$25 a week or over") in 1920 than in 1919. The pay-rolls show the fear has not been justified that the setting of a legal minimum wage for adult workers would cause wholesale replacement by those under age. The statement that the wages of the higher-priced employees would be lowered in an effort to spread out the "wage fund" in order to cover those whom the law required to be paid the legal minimum is also not sustained. (P. 57.)

Province of British Columbia. Department of Labour. From the Annual Report for the Year 1921. Report of the Minimum Wage Board. 1922.

Statistical Report.

In all, forms were returned by 1,923 employers relating to 9,722 female employees. The tables are herewith appended:—

Average Weekly Wage of Women (over 18 years) in 1921.

Occupation	No. of Women	Average Wage	Minimum Wage
Mercantile	1,788	$15.99	$12.75
Laundry	449	14.43	13.50
Public Housekeeping	994	15.87	14.00
Office	2,434	19.37	15.00
Manufacturing	1,145	16.00	14.00
Personal Service	69	15.62	14.25
Telephone, Telegraph	988	16.18	15.00
Fishing	36	14.81*	15.50
Fruit, Vegetable	145	17.37	14.00

(Compiled.) (Pages 4-9.)

* [illegible] due to short hours, the season of 1921 not being an active one (page 8.)]

Wages Show a Better Balance.

No one can study the returns made to the Board without remarking the general improvement shown in hours of employment and the greater numbers receiving the higher wages. While here and there girls may have lost their positions because employers did not consider them worth the legal minimum wage, the returns show a better balance in wages of the whole body of women workers in British Columbia than in former years. More employees are passing up into the better-paid classifications. For example, in the mercantile industry the returns indicate that adult women receiving the highest salaries ($25 a week or over) number more than twice as many in 1921 as in 1920. The pay-rolls show no justification for the fear sometimes expressed that the setting of a legal minimum wage for adult workers would cause wholesale replacement by those under age. (Page 10.)

Unemployment.

During the period of high wages the benefit of minimum-wage legislation and the protection given to fair employers was not so clearly realized as it is now, and will be in the immediate future. . . . Upon the recent opening of a large establishment in British Columbia for 400 places there were over 4,000 applicants, the majority of these being women.

Collecting Arrears of Wages.

It is gratifying to report that the Board has been able to make many collections, several of considerable amounts, of arrears owing in cases where, either through misunderstanding or design, the full minimum wage had not been paid. While there is a steady increase in the number of adjustments between employers and employees, they are conducted with as little publicity as possible to either side. The effort of the Board is to adjust controversies concerning either hours or wages with the least friction, but with justice to both parties. (Page 10.)

Problems in Fixing Rates.

A matter which has frequently been under consideration by the Board has been in relation to the question of schedules of wages, and the length of time during which inexperienced women and girls may work in the manufacturing industry for a lower wage than that to which experienced women are entitled. The question is a perplexing one by reason of the many varieties of work embraced by the Manufacturing Order. (Page 1.)

In all these discussions the Board has had constantly in mind the danger of fixing a period either too long or too short for inexperienced workers to arrive at the legal minimum wage. If the scale of advance is too slow the workers become discouraged, and they pass from shop to shop and trade to trade in an attempt to find more rapidly some industry affording a wage with which they may support themselves. This is one of the primary factors in the increase in labour turnover. Owing to the recent distressing unemployment situation among the fathers, brothers, and husbands of these women, a growing number of girls are finding it impossible to remain for long periods at learners' wages. The help formerly received from the men of the family has frequently not only been cut off, but the women have had to contribute to the upkeep of the family.

The Principle of Apprenticeship.

On the other hand, employees must be given opportunity to acquire reasonable experience before employers may in fairness be required to pay the minimum wage. Manufacturers have to realize also that it is not necessary that employees should be experts before they attain this minimum. Too lengthy apprenticeship, too low wage scales, and insufficient instruction are factors—not always recognized—in reducing the supply of learners in some trades to the lowest point. Employers in certain well-defined occupations complain not only of the lack of applicants or learners offering, but of their lack of interest after entering a trade. At the same time some

employers urge Minimum Wage Boards to set long terms and low wages for beginners, apparently failing to comprehend that it is the discouraging prospect of such long low-paid learning periods in occupations which at best are seasonal that fail to attract entrants. Such industries are likely to draw mostly those who lack initiative to seek more promising prospects, or who take them up as a passing fancy or a makeshift till better things offer. Particularly is this true of millinery and dressmaking.

The basic principle of apprenticeship should be that long learning periods be permitted only in those occupations which ultimately promise the competent worker promotion and adequate wages. The establishment of technical schools and millinery, dressmaking, and commercial classes in our public and high schools serve to overcome some of the obstacles encountered by the wholly untrained worker. The children passing through these classes, even though not trained perhaps for some special occupation, should bring to the industrial life of the Province educated hands and minds and a general knowledge and facility that ought to raise the standard of competence.

Licences.

Since the inception of the Minimum Wage Orders a system of licencing inexperienced adult employees has been adopted. In all, 529 licences have been issued, of which number to date 500 have been cancelled. The mercantile industry has used 156 of these licences and 135 of them have been revoked. In the laundry industry 125 have been issued and 120 nullified. There have been issued in the office occupation 44 licences, 42 of which have been rescinded. In the telephone and telegraph occupation 302 licences have been issued annd the same number cancelled. The personal service occupation has required 1 licence, which has since been annulled. One licence has been issued in the manufacturing industry and is still in effect.

Licences are given for a specified time. Most of the cancellations have occurred owing to the expiration of

the licences. In some instances they have been cancelled, not by lapse of time, but because the holders have been raised to the minimum wage. Some employees leave positions before their licences run out, and the latter are thus automatically cancelled. Each licence is issued for a particular individual, permitting her employment by a specified firm. The licensee, therefore, may not use her unexpired licence under any other than the original employer designated. Should a licence-holder desire to work for the remainder of her period with another firm in the same industry or occupation, a new licence may be obtained for the residue of her learning term upon application to the Board. (Pages 1-2.)

(2) Peculiar Local Experience.

Canada. Department of Labour. Labour Gazette. June, 1921.

[Minimum Wage Act of British Columbia.]

The amendment to the Minimum Wage Act strengthens those clauses which protect apprentices and physical defectives from being employed at a lower wage than that fixed by the Board. Special licences may be issued by the Board in the case of women over 18 years of age who enter a trade or industry where apprentices are not usually employed, but who are not sufficiently experienced to qualify as experienced employees. The number of employees holding special licences who are permitted to be employed in any establishment is now placed at one-seventh of the whole instead of one-tenth as formerly, and the aggregate number of employees holding special licences and employees under eighteen years of age employed in any one establishment is limited to thirty-five per cent of the total number of employees.

Manitoba.

Province of Manitoba. Minimum Wage Board. The Minimum Wage for Women and Girls in Manitoba. October, 1920.

During the last Spring and early Summer of 1919, the figures agreed upon in May, 1918, as necessary for a living wage came up for revision, and the members of the Board were convinced that the minimums set for workers in laundries, food stuffs, soap, paper-box, drug and cigar factories, would have to be increased if the minimum wage was to be a living wage. Consequently, after being advertised, a public hearing was held, and it was agreed by representatives present that a minimum of eleven dollars should be established. (Page 4.)

Province of Manitoba. Minimum Wage Board. Annual Report. Manitoba Public Service Bulletin. March, 1920.

As had been anticipated, the minimum wage regulations are having a stimulating effect upon wages in general. The board feels now that practically all women in industry come under the scope of the Act—that the condition of the woman wage-earner in this province is second to none in the Dominion. (Page 13.)

Canadian Department of Labour. Labour Gazette. February, 1922.

Orders were issued by the Manitoba Minimum Wage Board standardizing the regulations previously made regarding rates of wages for female employees in various industries. (Page 197.)

Ontario.

(1) Minimum Wages Ordered. [Summarized.]

Orders for experienced female employees over 18 years. Effective between May 1, 1921, and October 16, 1922. Ranging according to the size of the locality.

Laundry Dry Cleaning, $12, $11.

Confectionery, Biscuit, Chocolate, Jam, Gum, Grocery Specialties, Crushed Fruit, Syrup, Pickles and all allied Industries; Paper Box, Corrugated Paper Box, Paper Bag, Manufacturing Stationery, Envelope, Tag and Cheque Book and allied Industries, $12.50, $11.50, $11, $10.

Retail Stores, $12.50, $12, $11, $10, $9, $8.

Telephone, $12.50, $12, $11, $10, $9, $8, $7.

Textile Factories, which includes all wearing, knitting, spinning and allied processes, $12.50, $11.50, $11, $10.

Needle Trades, which includes making of Garments, Tents, Awnings, Flags, and allied machine-sewing trades, $12.50, $11.50, $11, $10.

Canada. Department of Labour. Labour Gazette. September, 1922.

All these orders provide that any employee who has worked in the industry for a year or more before reaching the age of 18 years is entitled to the full minimum wage on attaining that age; or if she has worked for less than a year on attaining that age she becomes entitled to the minimum wage on completing a year of work in the industry. No employee of 18 years or over may be paid less than the rate fixed for inexperienced adults. The number of inexperienced adults or young girls employed in any establishment must not exceed one-third and the number of inexperienced adults and young girls together

must not exceed one-half of the total female working force, temporary employees whose term of employment is less than one month, not being included. The foregoing rule does not apply to plants employing four or less female workers. The rule governing piece-workers is that at least 80 per cent of these must receive wages comformable to the order. The piece-work rates may be averaged for any worker provided that the average is maintained at each payment. No deductions below the minimum wage line for absence may exceed the value of the time lost, reckoned in proportion to the normal working hours. An employee who is required to wait on the premises is entitled to be paid for time so spent. The usual penalties for violations of the orders are imposed under Section 22 of the Act, namely, a fine of not more than $500 or less than $50 for each employee affected, the employer being also required to pay to such employee the amount by which her wages fell short of the prescribed minimum. All establishments are required to keep copies of these orders posted in a conspicuous place.

(2) Peculiar Local Experience.

Province of Ontario. Minimum Wage Board. First Annual Report. 1921. March 13, 1922.

Ontario may fairly claim to be the leading industrial Province of Canada. No other Province musters so large an army of employees, nor has spread its industries over so wide an area. Not only are the larger cities filled with factories, but many of the small towns and even villages are also seats of industrial activity. Besides, there are over one hundred thousand retail stores in Ontario, of which a considerable number employ women.

The Board is fortunate in the nature of its task, which rests upon an economic and moral principle so simple and convincing that all admit its cogency. This principle is the right of the worker to live from her work.

It asserts the value and dignity of human life within the industrial sphere. It does not fix wages, but sets levels below which wages may not fall. (Page 5.)

The laundry industry was first studied, as from a survey published by the Bureau of Labour in 1920, low wages seemed customary in it. It is but fair to say that our investigations, made later, showed that some laundries were paying good wages. It is only within limits that comparisons of wages can be made between one trade and another. Wide variations are found in every trade.

The Board compiled a budget for a female laundry-worker in Toronto in the month of February, 1921. This was approved, with slight alterations, by the conference of representatives from the industry, and a minimum wage rate of $12.00 per week was formulated.

Several months later, when saleswomen in retail stores came under discussion, this budget was revised. In spite of a decrease in certain prices, the higher cost of living for a worker in this industry led to the total being raised to twelve dollars and fifty-six cents ($12.56) per week.

As prices vary, sometimes with considerable rapidity, and thus such budgets require revision, the Board decided that each of its orders, all of which are based upon the cost of living, should be annually revised. This ensures certainty and regularity of revision, whereas, were revisions to depend upon the request or complaint of either workers or employers, no such certainty or regularity would be attained. (Page 7.)

The next task of the Board was to gather wage sheets from the several laundries, dry-cleaning establishments and dye-works of the Province, in which undertaking the Laundrymen's Association and the laundrymen generally greatly assisted the Board. These wage statistics, as already indicated, when gathered, disclosed quite surprising variations. The prevailing notion that wages are standardized throughout given localities or trades is quite incorrect, in the women's employments. All the later wage investigations conducted by the Board have

revealed the same state of affairs. Indeed, similar investigations in all parts of the world have disclosed the same condition. The fact is that women's wages are without standards. The strange spectacle may be seen of two factories or stores which appear to a casual observer to be precisely alike, situate within a few blocks of each other, buying the same raw material in the same market, selling the same finished product in the same market, procuring their workers from the same labour market, using the same machinery and methods of doing business—yet one of these two twin-like establishments may be paying wages ten, or twenty, or thirty per cent higher than the other, and, very frequently, the establishment paying the higher wage is the more prosperous of the two. It is apparent, then, that the comparisons which are often made between wages in one city and another, or in one Province and another, have by no means the substantial foundations which are generally assumed to exist. And, moreover, the fixing of minimum wage rates can never mean universal and equal increase of wages throughout any trade or in any locality. As a matter of fact, they generally mean the raising of the standards of those establishments paying lower wages to a level already occupied by some of their competitors. One incidental consequence is that the better type of employer is secured against an unfair type of business competition. (Pages 7-8.)

The Board applied its first order to the city of Toronto. This was soon extended, with suitable modifications, to the cities having a population of more than fifty thousand. A third division was made of the remainder of the Province.

When other industries came under investigation, some of which are not so much confined to the cities and larger towns, it became apparent that the smaller towns and villages, as well as the country districts, required to be studied intimately.

In these latter places, most female workers live at home or with friends, and the contributions which they make in return for their support are not according to

any commercial standard. It was suggested to the Board that the wage rates in such places might disregard this element, on the ground that board and lodging often cost the worker nothing. With this position the Minimum Wage Board could not agree, feeling that any gift to a woman worker from her father or relative should be for herself and not to be handed on to her employer. A second suggestion, that only the additional cost of the food that she consumed should enter into the budget calculation was also rejected, on the ground that the principle of the living wage required that she should be an independent and self-supporting member of the household. (Page 8.)

While it is too soon to make a statement regarding the effect of the orders of the Board which shall have wide statistical value, it is yet possible to recite certain facts, which suggest the nature and scope of the improvement which is being accomplished. One employer, who has taken an active interest in the formulation of the orders applicable to his industry, writes: "I wish to express my gratification at the very painstaking way you have considered this question, and the very wholesome moderation with which you attack it."

Occasional evidence has reached the Board of decided increases following the issuing of an order. These increases tend to run throughout the entire wage schedule, disproving, as is constantly the case in Minimum Wage administration, the pessimistic forecast that the minimum may become the maximum. There is no evidence that an elevation of the lower rates in any establishment has the effect of depressing the higher wage rates. On the contrary, the tendency is that the lifting of the lower wages tends to lift also, though to a less extent, the higher wages.

The Board believes that the general welfare of the industries dealt with is promoted by its action. The conferences which call together representatives from different plants serve the purpose of focusing attention upon the things in any industry which are of common interest to both employers and employees, and thus the

spirit of harmony is developed. Again, the meeting together of several employers to discuss wage conditions in their common industry is of great value. This is a topic which is seldom discussed in employers' associations. Many employers hold the belief that the same rate of wages prevails in all the plants throughout their industry. The discovery that wages vary widely and that the more successful businesses are often those paying the higher wages, has the effect of turning their attention toward other methods of lessening cost production, than by beating down wages. This discovery may be, for an employer of little experience and low efficiency, the beginning of a better type of business operation. The testimony of Minimum Wage Boards in all parts of the world is to this effect.

The period during which the Board has been active has been one of business depression, when wage reductions were everywhere taking place. The effect of its orders has sometimes been, not so much to increase wages as to prevent their falling to unwholesome levels. (Pages 12-13.)

Permits.

The Board has issued ten permits to handicapped workers to the end of the statistical year. Three of these were on account of physical handicaps, two because of advanced age, three because of mental incapacity, and two to juveniles who had begun to work at fourteen years of age, and who are still plainly incapable of earning the standard experienced adult minimum wage.

Enforcement.

As has already been intimated, the period of inspection and enforcement is just beginning. (Page 14.)

The comparatively few complaints which have reached the Board have been taken up directly with the employers concerned and in each case have resulted in the difficulty being overcome. So far, the Board has not met any employer who has adopted an antagonistic or contumacious attitude.

Co-ordination.

As each Province is in competition with all the other Provinces the comparative cost of manufacturing is important. In the cost of manufacturing the item of wages is always a real consideration. No reliable statistics exist which show the difference in wages between one Province and another. It is desirable that the prevailing suspicions and rumours which make the several Provinces look jealously at one another, should either be vindicated or destroyed by a calm examination of the actual facts. It is also desirable that no Province of Canada should cherish the doubtful advantage in competition of keeping her workers below decent living conditions. Such a condition in any Province would inevitably react upon all the provinces. On the other hand, any Province accused of such a policy deserves a chance to defend or justify herself. Moreover, all Minimum Wage Boards know that great variations in wages exist within each Province, so that one does not need to travel away from home to find high and low wages competing with each other. Your Board feels that only good could result from a frank and sympathetic conference of Minimum Wage Boards from all over Canada. To this end it plans to continue its attempts toward possible co-ordination. (Pages 15-16.)

Quebec.

Canada. Department of Labour. Labour Gazette. February, 1922.

A programme of labour legislation on the lines of the resolutions passed by the Trades and Labour Congress of Canada at its convention held at Winnipeg last August, was submitted by the Quebec Provincial Executive of the Congress on January 27, to the Premier and Executive Council of the Province of Quebec, with the request that measures in accordance with these resolutions be passed at the present session of the Legislature. The reforms suggested were as follows: . . . (f) Minimum wages for women. The delegation complained that the act passed in 1919, authorizing the Lieutenant Governor to appoint a minimum wage commission of three members had so far remained a dead letter, and expressed the hope that a commission would shortly be named. Amendments to the act were suggested making compulsory the nomination of the commission; increasing the number of commissioners from three to five, of whom one should be a woman; and making allowance to cover the necessary expenses of the members in attending the meeting of the commission. (Pages 115-116.)

Saskatchewan.

Province of Saskatchewan. Bureau of Labour. Ninth Annual Report. For the Year Ended April 30, 1920.

Minimum Wage.

Since the last annual report the administration of *The Minimum Wage Act* has been added to the duties of the Bureau. This Act came into force on May 1, 1919. (Page 17.)

The investigations of the board seemed to prove very conclusively that a girl dependent on her own earnings required $15.00 a week to live in reasonable comfort in Saskatchewan cities at that time. (Page 17.)

Orders were issued as follows:

Shops.—48 hours per week with following wage schedule: $9.50 for first six months as learners. $11.00 for second six months as learners. $13.00 for third six months as learners. $15.00 minimum wage for experienced workers.

Mail Order Houses.—48 hours per week with following wage schedule: $8.00 for first six months as learners. $10.00 for second six months as learners. $12.00 for third six months as learners. $14.00 minimum wage for experienced workers.

Factories and Laundries.—9-hour day, 50-hour week, with following wage schedule: $9.50 for first six months as learners. $11.00 for second six months as learners. $12.50 for third six months as learners. $14.00 minimum wage for experienced workers.

The Minimum Wage Act was amended at the 1919-20 session of the legislature, extending its operations to hotels, restaurants and refreshment rooms, and on February 13 the board met and drafted orders governing the employment of female workers in these establishments as follows:

Hotels, Restaurants, Refreshment Rooms.—48 hours per week with following wage schedule: $12.00 per week

for the first three months as learners. $14.00 a week minimum wage for experienced workers.

"No female under sixteen years of age shall be employed, nor shall a female under eighteen years of age work after eight p. m. in any hotel, restaurant or refreshment room.

"Where meals are furnished by an employer to an employee as part payment of the wages of said employee, not more than $5.25 a week may be deducted from the weekly wage of said employee for a full week's board of twenty-one meals; a fraction of a week's board may be computed upon a proportional basis.

"Where lodging is furnished by an employer to an employee as part payment of the wages of said employee, not more than $2.50 a week may be deducted from the weekly wage of said employee for a full week's lodging of seven days.

"Where aprons or caps are required by an employer in a hotel, restaurant or refreshment room they shall be furnished, laundered and repaired by the employer without cost to the employee." (Pages 17-18.)

Province of Saskatchewan. Bureau of Labour and Industries. First Annual Report. For the Year Ended April 30, 1921.

Minimum Wage Board.

On May 19 and 20 the board held open sessions in the city of Saskatoon and Regina for the purpose of hearing evidence from employers and employees in the millinery and dressmaking industry and in hotels, restaurants and refreshment rooms. (Page 26.)

The open session in Regina on May 20 was followed by a meeting in camera for the purpose of amending the regulations covering the above establishments. The work was not completed that day and the board adjourned to meet again on May 31. During the interval further investigation was made and when the board met on May 31 the regulations were amended allowing a longer period of apprenticeship and a lower rate of wage

for apprentices in the dressmaking and millinery industries. The rate of wages was not altered for hotels, restaurants and refreshment rooms, but a clause was inserted in the regulations permitting establishments which operate seven days a week to employ females for fifty-six hours a week, all time worked in excess of forty-eight hours to be regarded as overtime, all overtime to be paid at a minimum rate of not less than the ordinary or minimum rate plus fifty per cent. (Page 26.).

From the following statistical report it will be noted that the total number of employees directly affected by the minimum wage regulations is 2,184. Of this number 892 are employed in shops and stores; 304 in factories and laundries; 348 in mail order houses, and 630 in hotels, restaurants and refreshment rooms.

Shops and Stores—This classification includes dressmaking, millinery and tailoring shops, which, strictly speaking, are factories when three or more persons are employed, but appear here to conform with Order No. 1 of the board. The number of women employed in these establishments embraces cloakroom attendants, elevator girls, cashiers and saleswomen. In all there were 892 women, 212 of whom were inexperienced, 429 received more than $15.00 per week; 227 received $15.00 per week, and 194 received less than $15.00 per week for full time, while 42 were working part time or on piece work. The part time workers served in the afternoons only at refreshment counters, millinery shops and in variety stores. The piece workers were the hem-stitchers in the sewing shops and experienced tailoresses.

Overtime permits covering 361 days were issued to 25 shops and stores during the year. These were issued to meet the exigencies of the millinery and tailoring trades, the rush of Christmas business and to allow for stock-taking in stores. In some establishments it is not customary to pay for overtime. In others the women receive from time and a quarter to time and a half, while in other places the staff is compensated by bonuses or Christmas presents.

Special licenses were issued to 11 employees. Eight of these were millinery apprentices, three dressmaking apprentices. (Pages 26-27.)

Laundries and Factories.—Besides laundries this classification includes dry cleaning, job printing, milling and meat packing plants, knitting and chemical factories and photographers' studios, where three or more persons are employed. There are 304 women employed in these establishments, 80 being rated as inexperienced. Of the total female employees 131 received more than $14.00 per week; 64 received $14.00 per week, and 82 received less than $14.00 per week for full time, while 27 worked part time or on piece work. The part time and piece work employees were found in the milling and meat packing plants, which, because of business depression, were only running part time with very much reduced staffs. The women were paid at an hourly rate of from 29c to 50c per hour.

Hotels, Restaurants and Refreshment Rooms.—In the survey of the above establishments all the women who work in them were included, that is housekeepers, chambermaids, headwaitresses, waitresses, kitchen help, laundry maids, clerks, telephone operators and cigar stand attendants. In all they totalled 640 persons, 36 of whom were considered inexperienced. Of the total number employed, 266 received more than the minimum; 126 received the minimum, and 235 received less than the minimum for full time, while 13 were part time workers. It will be noticed that a very small proportion of the employees were considered inexperienced and most of these were working in refreshment rooms. Employers in restaurants and hotels do not classify their workers as experienced or inexperienced. Each employee is given a trial, and if she does not measure up to requirements, is dismissed. Employees begin in smaller cafes and hotels where less skill is required, and as they become more efficient aspire to work in better class establishments. Therefore, inexperienced rates are not necessary to this class of work.

In hotels and restaurants which are open to the public seven days a week difficulty has arisen in determining exactly how many hours the employees work. The large number of employees reported as receiving less than the minimum for full time are included in this class; they work more than 48 hours a week, but, owing to the fact that the employers have been unaccustomed to keeping a register of the hours worked, it has been impossible to determine just how many hours have been worked, and when they receive less than the minimum rate for 56 hours they are reported as below the minimum. By insisting that employers keep a register in conformance with the regulation of the board, it is hoped to overcome this difficulty.

Mail Order Houses.—There are only two mail order houses in the province, the employees of which come under the regulations of the Minimum Wage Board, and both are in Regina. There are 348 female employees in these establishments, and of these 135 were inexperienced and received less than $14.00 per week. (Pages 27-28.)

Province of Saskatchewan. Bureau of Labour and Industries. Minimum Wage Board Order 4. Hotels, Restaurants, Refreshment Rooms. 1922.

Effective June 30, 1922. Minimum Wage per week for females with 18 months' experience.

	Six-Day Week.	Seven-Day Week.
Kitchen Employees	$12.00	$14.50
All Others	14.00	16.50

Deductions from wages permitted for lodging $2.50, for board (21 meals) $5.25, and in proportion for fewer meals.]

2. Industrial Efficiency of Both Employers and Employees Stimulated.

Evidence accumulates that the necessity of paying higher wages stimulates the employers to better management and organization, more emphasis on personnel work, the training of employees and the consequent cutting down of the labor turnover. A striking statement of the value of a living wage in increasing efficiency of the workers is made by a manager of a five and ten cent store. In the past such stores paid notoriously low wages.

The British experience shows the excellent effect of a law well enforced throughout a number of years.

District of Columbia.

Minimum Wage Laws are Good Business. Extracts from Letters by Employers Operating under a Legal Minimum Wage. National Consumers' League. New York. October, 1920.

H. D. Ormsby, S. S. Kresge Company, Store No. 54 (5 and 10 cent store) Washington, D. C. October 6, 1920.

"I believe in the minimum wage in the District. We are getting a higher standard of efficiency as a whole, however with the minimum wage has come the necessity of educational work on salesmanship. I believe the minimum wage has brought employers and employees closer together and has taught the employer to build for a higher standard of service and has also taught employees that greater efficiency must come with higher salaries. I believe as a whole the minimum wage is a step toward higher better morals which is so greatly needed today in all walks of life."

The Minimum Wage. IDA M. THRASHER, *of Lansburgh & Bro., Washington, D. C. Prince Alumnae News. The Prince School of Education for Store Service. February, 1920.*

In the Spring of 1919, Congress passed a law making a minimum wage for the District of Columbia to take effect sixty days after the settlement of a wage scale. This went into effect October 28, 1919.

This scale set a minimum wage of $16.50 for all women over eighteen years of age who had had at least seven months' experience in the mercantile world. According to that law, the beginner was to receive a salary of $12.50 for the first three months of her probation period, and $14.50 for the next four.

Perhaps it is too early in the game to form any conclusion worthy of consideration, as the law has been in effect for a period of only a little over three months. Whether it is a good law or a bad law, time alone can prove, but at present the results strike me as being almost wholly on the side of the good. As one of the workers in the firm of Lansburgh & Bro., I shall, of course, speak largely of the effects of the law as they seem to be working out in our own store.

The most interesting and far reaching results of the passing of the Minimum Wage Law seem to be that of a general increased efficiency, and a decreased labor turn over. During the weeks previous to the passing of the law, there had to be a gradual process of weeding out of those who were failing to earn what the store was at that time paying them, and who gave little or no promise of measuring up to a higher standard; it simply meant the survival of the fittest and every girl was conscious of that fact. That knowledge resulted in a spirit of increased earnestness throughout the entire store, a spirit which I believe is with us still and will remain. If the girls had it in them, they did measure up, and considering the number on our pay roll, a surprisingly small proportion were among those found wanting and consequently dropped.

There can be little doubt but what the Minimum Wage Law has had a wholesome effect upon more than the salespeople. Applicants for positions are not taken into the organization unless they are promising from the start; they are carefully watched during the early part of their term of employment, and dropped if they fail to give good returns for the salary paid. Those who come to us as beginners have every opportunity of knowing what is expected of them, as classes in salesmanship are being formed of all who are serving the probation period. If they do not make good, it will be either their own fault or misfortune, not because the store is failing in its efforts to help. The girls realize that the store is in a position to demand adequate returns and that if they do not give those returns, they will be asked to join the unfortunate number whom no store can afford to keep in its employ, because of their physical or mental unfitness for the job. (Page 9.)

That the law has worked a hardship on some least able to bear it, cannot for one minute be denied. There are some whom no firm can afford to pay what the law demands, who are capable of barely earning a lesser wage but no more. The Minimum Wage Board has the power to issue permits to cover just such cases, but it is not their policy to issue many; the reason for such an attitude needs no explanation. Any good law may be detrimental to a small number, but that this law is working out for the best good of the greater number, I have no doubt. (Page 10.)

No store can render effective service, and at the same time have a high percentage of labor turnover. One of the best results of the new law from my standpoint, is the decided decrease in the number of people who are leaving us. The girls are earning a living wage, working under happy conditions, and in a store where recognition is made of genuine worth. (Page 10.)

District of Columbia. Minimum Wage Board. Bulletin No. 3. Wages of Women in Hotels and Restaurants in the District of Columbia. October 10, 1919.

The irregularity of employment in the hotel and restaurant business was made apparent in this investigation both by the testimony of individual employers and by the payroll figures. In many of the smaller restaurants the employers stated that they never bothered to learn the names of their dishwashers because they changed so frequently. The payrolls of several of the large hotels serve to indicate the extent of turnover. Of the 153 women on the payrolls of three hotels, 68, or 44.4 per cent. worked less than a full month. Of the 127 women on the payrolls of two other hotels, 49, or 38.6 per cent. worked less than a full half-month. This second percentage really represents a higher turnover than the first, since it shows the amount of irregularity of attendance for a period of half the length.

The loss to both employers and employees resulting from such irregularity of employment is a matter for serious consideration. (Pages 4-5.)

California.

California. Industrial Welfare Commission. Second Biennial Report. 1915-1916.

From the business point of view labor cost and not the rate of wages is the most important item to be considered in the matter of the payment of labor. This is particularly the case in the laundry industry where labor is the heaviest item of cost. Power laundries are classed as manufacturing establishments, but they differ from ordinary manufacturing establishments in that they do not convert raw material into finished products, consequently labor is a much larger item than in the ordinary factory. (Page 220.)

The following comparison of labor cost with the average weekly earnings of men and women by cities demon-

strates that the higher wages are accompanied by higher labor cost, but not nearly in proportion:

Table XII. Value of Work Done in Selected Establishments, Percentage of Total Number of Employees represented by Reporting Establishments, with Average Weekly Earnings of Men and Women, and Productive Labor Cost.*

City	Number of Establishments Reporting	Per cent. of Total Number of Laundry Workers in Each City	Value of Work Done	Women's Average Weekly Earnings	Men's Average Weekly Earnings	Productive Labor Cost (Per cent)
San Francisco	12	56.4	$124,312.01	$9.89	$16.36	37.99
Los Angeles	12	70.2	145,814.81	7.78	12.65	33.55
Oakland	8	60.9	51,695.73	8.38	15.75	35.30
Fresno, Stockton and San Jose	9	68.5	28,049.00	8.94	18.20	38.95
Pasadena	2	57.6	17,794.51	8.47	12.68	31.15
Colton, Riverside and San Bernardino	4	86.3	12,362.77	7.05	15.00	29.02

*(Cut down and combined with Table XIII)

(Pages 220-221.)

California. Industrial Welfare Comission. Third Biennial Report. 1917-1918.

Summing up the accomplishments of the mercantile order, the effects were found to be:

1. That no establishment was forced out of existence by the order. (Page 48.)

A summary of the effects of the order of the Industrial Welfare Commission in the laundry industry leads to the same conclusions as in the mercantile industry:

1. No establishment was forced out of existence by the order. (Page 87.)

California. Industrial Welfare Commission. Report of the Regulation of Wages, Hours and Working Conditions of Women and Minors in the Fruit and Vegetable Canning Industry of California. May, 1917.

On the morning of January 17th the Wage Board continued further the discussion of rates. Much interesting information was developed by both sides, the employees especially bringing out clearly the loss to the worker because of inadequate instruction as to the best and quickest way of cutting and canning fruit. Also the loss to them caused by waste of time, inefficient management, and by requiring them in some canneries to carry fruit and waste and trays on their own time, thus reducing their piecework earnings materially. Many instances were cited of the handicaps to the workers in arriving at their highest productivity. This seemed of great interest to the employers.

On January 18th at two o'clock p. m., the Wage Board proceeded to its final discussion of minimum rates. The canners' representatives said that they believed their recommendations, with the improved working conditions that the commission would introduce, would yield a good wage. (Page 43.)

It was further stated by the canners' representatives that they believed great concessions had been made in raising all their fruit rates and they were confident that with the improved management, eliminating lost time, and the standardization of the sizes of boxes of fruit and vegetables to be cut, due to setting the cutting rate on a hundred-pound basis, that the women would average a much higher hourly production than in the past. (Page 44.)

The rulings of the commission went into effect April 14, 1916. Practically the entire season pack of 1916 was thus controlled by the regulations. The effects of the orders are given in detail in the following report.

Minimum time rates were fixed for women and the same rate was fixed for minors. The rate for inexpe-

rienced workers was 13 cents per hour and the period allowed for gaining experience three weeks, after which the worker received not less than 16 cents per hour. The general rate paid previously for ordinary "day work" had been 10, 12½ or 15 cents per hour. Most of the smaller children had been employed at 10 cents an hour or even less. With this low pay went a large waste of time. The employment of many children makes efficient factory organization impossible. The result of these rulings on time rates was that the wages of the women and children were raised and the number of small children very much reduced. (Page 65.)

In 1914 the commission made a careful survey of the question of children in the industry. In the 41 plants covered in that investigation 2,344 children were working. In the same 41 canneries in 1916 only 1,092 children were working, showing a reduction of 53 per cent. in two years. (Page 67.)

Massachusetts.

The Dennison Minimum Wage Plan. The Survey. December 4, 1920.

The Dennison Manufacturing Company of Framingham, Mass., has elaborated an interesting minimum wage plan in its box factory. A standard of performance is set and girls who fail to meet this test are given more training or are transferred to other work. T. G. Portmore, manager of the works, sums up the experience of the company, as follows:

At the end of each month a carefully tabulated statement is made by the accounting department of all girls who have failed to reach the minimum requirements during the month preceding. This list is sent to the employment manager who then discusses personally with the division superintendent in charge of the various girls the case of each of them, and endeavors to find out why each one was not able to earn the minimum amount.

If it is decided that the reason is lack of training the

girl will immediately be transferred into the training department to receive more experience in the work. As yet no transfers of this sort have been made. If it is found that she is not adapted to the work she will then be transferred to another department in the factory where the particular skill such as is needed in box making is not required.

In the case of the girl who is thought to be capable of earning the requirement, but who is simply not working to her full capacity, the division superintendent takes the matter up directly with her, and warns her of her failing, talking over with her the reasons why she has not earned her minimum. So far most cases have been these cases where warning was given.

We employ in box making 568 women, and the results we have obtained during the three months of the operation of this plan with them are these: During the month of July in which our box division worked but two weeks there were seventeen girls who fell below the minimum requirements, and the total deficiency was in excess of $40. During the month of August the number of delinquent girls had been reduced to ten, although the total amount of deficiency was $43. In the month of September the number had been further reduced to five, and the total amount of deficiency was only $6.

We have been obliged to discharge no girl as yet on account of her inability to make the requirements, although in one or two cases the girls failed to return to work when they had been told about the possibility of future discharge if they did not show improvement.

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. Report for the year ending November 30, 1920.

An interesting development in connection with the inspection work is the indication that the adoption of minimum rates tends to promote industrial efficiency. In 71 of the cases coming up for adjustment girls who were not considered worth the minimum were changed from

time work to piece work at the regular piece rate of the factory, and in each case were able to earn the minimum or over. In this connection the method employed by a large manufacturer in meeting the requirements of the decree is significant. Each of the foremen in the factory was held responsible for seeing that the girls under his supervision earned the minimum. This was accomplished by ascertaining that the employees were properly instructed about their work, and by adjusting them to the tasks for which they were best suited. When a girl fell below the minimum the foreman looked into the matter to see whether she needed more training, or whether she was on the right kind of work. She was then given further instruction or transferred to another process, as the situation warranted. As a result of this method the firm reported that not only were they able to meet the decree without discharging a single employee, but the efficiency of their workers had been increased and production stimulated. (Page 20.)

Massachusetts. Minimum Wage Commission. Bulletin No. 14. Wages of Women in Muslin Underwear, Petticoat, Apron, Kimono, Women's Neckwear and Children's Clothing Factories in Massachusetts. May, 1917.

Out of the total number of women employed for four weeks or more, only 6 per cent. worked a full year, although 27.2 per cent. worked forty-eight weeks or more. About half (54.1 per cent.) had employment for six months. That in general there is a relation between low wages and irregularity of employment in these industries is shown by the fact that the two most poorly paid branches of the women's clothing trade, namely, the neckwear and children's dress industries, were those in which the fluctuation of employment was greatest, while it was least marked in the petticoat industry, which paid the highest wages of any of the garment trades. (Page 25.)

Washington.

Washington. Bureau of Labor, Statistics and Factory Inspection. Tenth Biennial Report. 1915-1916.

Employers' Comments.

Mr. A, a proprietor of a ten-cent store, said he never realized that it was profitable to keep efficient help as since he was paying his girls $10.00 per week it was not necessary to keep close tab on their departments at all nor straighten the counters after hours, all of which gave him more time for constructive work in the store.

Mr. B, proprietor of a 5-10-15 cent store, who has only two apprentices and one minor on his payroll of forty-five people, said: "If the minimum wage is ever repealed I will never go back to cheap help, for I find it was a big loss to our business, as we haven't changed girls under the minimum wage for two years, while before we had from two to five changes every week."

Mr. C said: "You don't hear us complain; we like it, as it has made the girls more efficient, as they realize they have to make good and earn the wage or they'll be discharged. It serves as an incentive better than anything we could have planned." (Page 273.)

I, head of an underwear department, Spokane, said: "The minimum wage has surely been a benefit in this department, as the girls under me have become 50 per cent. more efficient since they receive more pay and the apprentices have all made good." (Page 272.)

Hon. Edward W. Olson, *former chairman, Washington Industrial Welfare Commission. Tenth Biennial Report of the Bureau of Labor, Statistics and Factory Inspection. 1915-1916.*

The important branch of the minimum wage legislation is that of apprenticeships. Upon this rests the efficacy of the entire scheme. Unless apprenticeships are properly limited, the structure falls of its own weight.

Unless the question is controlled by the state, the law is practically unenforceable. (Page 268.)

A system of licensing workers is in effect. Each applicant must furnish evidence to the Commission of her former experience before a license is issued. When the license is granted, the apprentice's name is registered for future reference. The license is operative in a particular establishment only, so the Commission knows how many licenses are in effect in all the state's establishments.

Frequently the Commission makes a special investigation before a license is issued. The terms of apprenticeship vary from thirty days to one and one-half years, according to the skill demanded. When the apprenticeship time exceeds three months, it is divided into two or more periods with wage advances each period till the minimum is reached. This is an incentive to the learner. Under the old system thousands of girls were made to feel they were misfits because they worked several years at wages of $5 or $6 before getting any increase. They lost interest. Their ambition was dwarfed. Soon they relegated themselves to the sub-average class. This is an impossibility under the present system.

As evidence of the efficiency of the apprentice-license system is the following table of the number of workers and apprentices in the various industries of the state. The figures cover employment in April, 1916, nearly two years after the first minimum wage became effective. (Page 269.)

Mercantile Establishments.

Total number of women employed	8,500
Total number of licensed apprentices	609

Includes salesladies, milliners, dressmakers, 58 of which are receiving $9 per week; 36, $8 per week; 283, $7.50 per week; 113, $6 per week or over; 119, $6 per week or less, most of the latter being millinery apprentices.

Factories.

Total number females employed.....5,300
Total number of licensed apprentices..... 559

Of these apprentices 225 are receiving $7.50 per week or over; 284, $6 per week or over; and 50, less than $6 per week.

Laundries.

Total number of females employed.....2,800
Total number of licensed apprentices..... 54

Of this number 17 are receiving $7.50 per week or over; and 37, $6 per week or over.

Telephone Exchanges.

Total number of females employed.....3,200
Total number of licensed apprentices..... 479

Receiving from $6 to $8 per week.

Office Occupations.

Number of females employed.....7,250
Number of licensed apprentices..... 6

No apprenticeships exist in either hotel or restaurant occupations. (Pages 269-270.)

In General.

Minimum Wage Laws are Good Business. Extracts from Letters by Employers Operating under a Legal Minimum Wage. National Consumers' League. New York. October, 1920.

Efficiency of the Workers Increased.

James McCormack, Pres., McCormack Bros., (retail dry goods) Tacoma, Wash. Dec. 30, 1919.

"I am a strong advocate of a state law fixing a minimum wage for women. From personal knowledge, I am

convinced that it has been a benefit to the women wage earners of the state of Washington, as well as to the employer. I am opposed to a wage that eliminates initiative and individual effort. I am strongly in favor of a wage sufficient to cover the necessaries of life, and let the worker compete for the wage that furnishes the luxuries. I find by that method we get greater efficiency."

Thomas Roberts, Roberts Bros., (dry goods, shoes and men's furnishings) Portland, Ore. Jan. 6, 1920.

"It has attracted a higher grade of help to the stores, and also while the wages are more, the efficiency is also more."

Elizabeth C. Quinlan, The Young-Quinlan Co., (high grade attire for gentlewomen) Minneapolis, Minn. Feb. 13, 1920.

"They" [minimum wage regulations] "have increased the efficiency of employees and have resulted in girls who hitherto worked for a small wage, at work for which they were not fitted, finding suitable employment where they could earn a minimum wage. Anything which drives home the fact that a business is most prosperous when all its employees are prosperous and free from worry cannot help but be a great influence for good in the community."

Great Britain.

Great Britain. Report to the Minister of Labour of the Committee Appointed to Enquire into the Working and Effects of the Trade Boards Acts. London. April, 1922.

45. Nor must it be overlooked that in some instances the enforcement of higher rates of wages has acted as a stimulus to improvement in working methods; and our attention has been drawn to cases in which improvements in machinery and organisation so brought about have increased production and thus have enabled the earnings of piece-workers to reach the statutory basis without any increase in the actual piece-rates paid. (Page 23.)

Great Britain. Committee of Enquiry into the Working and Effects of the Trade Boards Acts. 1922. Documents Annexed to the Evidence submitted by Mr. HUMBERT WOLFE, *C.B.E. Annex V. Effect of Trade Board Legislation on Industrial Efficiency. October 14, 1921.*

Important evidence on the effect of Trade Board rates in increasing efficiency in equipment, organisation, and methods of supervision has been obtained in the course of inspection, and the good effects in these respects have been admitted by employers. Some of these have, under the pressure of circumstances, so reorganized their methods as to pass from a position in which they had accumulated arrears of wages amounting to hundreds of pounds to one in which they were fully capable of keeping their trade, while paying Trade Board rates.

The following notes give summaries of a few cases in the Corset, Shirtmaking and Laundry Trades. Examples from other trades could also be given.

1. *Corset Trade.—Machinery and Equipment.*—The inspector found four groups of piece-workers underpaid to the following extent:—9¾ per cent., 10¾ per cent., and 26½ per cent. (two groups). He found that the

power provided was insufficient properly to drive the cutting machines and the stitching machines. The machines' speeds were very poor and had a big effect in causing the low earnings of the general machinists. The position was explained to the employer. At a later visit it was found that the firm had had the engine and the machines overhauled by competent engineers and the improvements were reflected in the improved earnings of the machinists.

2. *Corset Trade.—Organisation, Supervision and Equipment.*—The failure to pay the Trade Board rates was traced in this case to a variety of causes. The equipment was fairly good, but the machines were of varying values owing to different drives. This was reflected in the workers' earnings and output. The organisation was found to be bad. The machinists had to do their own fetching and carrying, as well as other operations, which the Inspector considered should have been done by juveniles. The stitchers had to keep the machines idle 10 per cent. of the working day while they did boning. As regards supervision, the Inspector reported that the factory had apparently been run in a slipshod manner and that this was largely responsible for the low earnings. Later the firm undertook to make good the deficiencies, including the lack in supervision and general management.

3. *Shirtmaking.—Equipment and Organisation.*—The Inspector reported that in this case both equipment and organisation were bad. Breakdowns were frequent owing to the poor quality of the gas used for the gas engine. Even when there were not stoppages there was often a slowing down of the engine, which materially affected machine speeds. He considered that the machines ought to be run at a speed 20 per cent. higher than they were when he made tests. Workers were frequently kept waiting for work, and the machinists had to do their own fetching and carrying, which ought to have been performed for them. Later the firm admitted that

they had relied on their apparently more than adequate piece prices to fulfil the Trade Board requirements, and that they had not realised the importance of the conditions referred to.

4. *Shirtmaking. — Equipment, Organisation and Supervision.*—In this case the Inspector reported that the inability to pay the Trade Board rates was due to faults in respect of equipment, organisation and supervision. The machines were reported to be very poor and worn. During one visit of the Inspector he reported breakdowns in three different machines during the short time he was in the factory. These the workers themselves had to repair, the lost time varying from 8 to 15 minutes. Work was found to be given out oddly and irregularly; the workers came and went at their own times and no time records were kept. There was a big variation in work, which was done in short runs. An improvement which had taken place between two visits of the Inspector was attributed in part to the appointment of a foreman in place of a forewoman; the foreman stayed behind, when necessary, in order to tune up the machines. The employer admitted that the very low earning power had been due to the working conditions.

5. *Shirtmaking.—Organisation.*—In this case piece prices paid appeared to be fairly high. The employer showed from an adverse audit report that the firm could not, without grave risk, again raise their piece prices. On examination, the Inspector found that the low yield of the piece-rates was due to a very poor system of manufacture. He pointed out to the employer that he should be able to keep the machines working full time and to increase daily output from 20 to 30 per cent. if he made the following changes:—(1) slight readjustment in supplying work; (2) the creation of a full-time and properly balanced creasing team, using the slowest stitchers for this purpose, first on time-rates and afterwards on piece-rates; and (3) readjusting the stitching rates to allow for the taking away of the creasing.

6. *Laundry.—Organisation.*—The inspection in this case was made at the instance of the firm itself. The management felt that although apparently high piece-rates were being paid, the earnings of the workers on these piece-rates might not be sufficient to satisfy the Trade Board requirements. The firm desired, therefore to have the matter cleared up by the Inspector. The Inspector found that the earnings of the piece-workers were inadequate, requiring to be increased by about 25 per cent. He found the piece prices, however, the same as had in other circumstances yielded higher earnings and, on examination, reported that the low earnings were due to the following causes:—(1) waiting for work, especially on Fridays; (2) time lost by workers (ironers) in fetching and carrying their own work; (3) faulty preparation of work, i. e., either too wet or too dry; (4) workers (ironers) doing their own goffering; (5) workers folding and pinning shirts after ironing them. The Inspector made suggestions remedying each of these deficiencies.

As illustrative of the manner in which Trade Board inspection work may lead to greater efficiency and at the same time bring to light facts as to uneconomic employment of juvenile labour, the following remarks from the report of a special inquiry into the wages paid on the carding of safety pins (Pin, Hook and Eye Trade) may be noted:—"Most home workers were found to card by the quickest method, i. e. opening pin, inserting pin in card, and closing pin in one operation; other workers taking much longer to get through the work were found to card by first opening all pins, next inserting all pins and lastly closing all pins (such workers usually had the help of children, who generally opened all the pins ready for the mother to insert them in the cards, afterwards helping in the closing)." (Pages 108-109.)

Statement of Mr. W. E. Counsell (Officer Appointed Under the Trade Boards Acts in charge of Special Inquiries Section. February 15, 1922.

Effect of Trade Board Legislation on Industrial Efficiency.

Many employers frankly welcome the fixing and enforcing of minimum rates because they provide a basis for equitable competition by materially reducing, if not eliminating, that element of the trade which previously "cut" market prices by "trimming" the wages of its workers.

That the enforcement of these minimum rates has resulted in most employers acquiring a greater knowledge of the details of their businesses is beyond question, and may properly be attributed to one or more of the following factors:—

(*a*) Realisation of the possibilities of increasing industrial efficiency by improved methods of working, thus maintaining rates of wages while reducing costs of production.

(*b*) Sympathy with the Acts and anxiety to carry out their provisions.

(*c*) Knowledge that non-compliance might incur liability for proceedings.

While it is true to say that each advance in the minimum rates causes a large number of employers to look around with a view to improving the organisation and equipment of their establishments, it is equally true that it has been a constant source of surprise to officers in the past to find how high a proportion of businesses are run on a "rule of thumb" principle. It is in respect of this class of case that the greatest difficulty is experienced in enforcing the rates laid down. If, for example, inspection in such an establishment discloses piece rates yielding, say, 20 per cent. below the minimum, the employer when informed of the deficiency would probably declare

(*a*) that his rates were as high or higher than those paid by his competitors on the class of

work in question, and that the low output of his workers was due entirely to slacking on their part, and

(*b*) that to be compelled to increase his rates would result in closing down his business.

In such a case it would be the duty of the officer to explain—

(*a*) that piece rates must be valued according to the conditions existing in each establishment, and

(*b*) that it is not always necessary to increase rates in order to increase their value, *i. e.*, that workers' earnings depend almost as much on factory organisation and equipment as upon the rates themselves.

It not infrequently happens, however, in cases where the employer appears to lack the initiative or ability to determine for himself the defects in his factory organisation that it is possible for the officer to do this for him. In one case of this kind the officer found the rates in different departments were inadequate by from 9 per cent. to 26 per cent. The firm declared its inability to increase its piece rates and blamed the workers for slacking. Investigation into the cause of the low earnings showed that—

(*a*) the factory engine was overloaded and consequently working badly and driving the machinery irregularly and at low speed;

(*b*) apart from (*a*) the machines, in many instances, were found to be in bad condition, *i. e.*, belts on wrong pulleys and slack, etc.

After the inspection the firm called in competent engineers who remedied the defects complained of, with the result that in a few weeks' time the output of the respective departments had been increased to a point which enabled the workers to earn the minimum without practically any increase in rates taking place. The firm's

directors personally thanked the officer for putting the factory on a more economical basis than was previously the case, and paid without protest the large arrears due to the workers as a result of the previous mismanagement.

Another type of case is that of a firm asking for inspection in order to have its organisation tested. In one case of this type suggestions, other than mechanical, were made which materially increased the factory output, with the result that piece-rates which at first appeared grossly inadequate proved adequate to yield the basis rate.

Some of the effects of Trade Boards legislation on industrial efficiency may be summarised as follows:—

1. *Hours.*

   The provision that all time spent by a worker at an employer's premises for purpose of employment shall be paid for, whether the worker is actually working or not, has resulted in a more economical method of working through the elimination of waiting and other forms of non-productive time.

2. *Departmental organisation.*

   The above provision has also resulted in improved organisation between department and department and has generally tended to speedier methods of manufacture, usually on sub-divisional lines. The obligation on employers to keep proper wages and time records and to fix their piece-rates on a definite and known basis has led many firms to make effective use of these figures in another direction, *i. e.*, to use wages analyses as a measure of output variation either among individuals or groups of workers.

3. *Training of learners.*

   The fact that many Trade Boards have provided in their determinations for the proper train-

ing of juveniles, together with the fixing of wages on a basis of age and experience, has undoubtedly resulted in a more careful and intensified method of training these workers than hitherto existed. When discussing the question of learners with employers it is common to be told "I have had to put the girls on more important work because they will be entitled to more money next month and I want them to be worth it." If it had not been for some such provision as the one in question it is possible that many of these workers might have been kept for years on some "blind alley" occupation.

4. *Equipment.*

There has undoubtedly been a big improvement in mechanical efficiency in those trades where Trade Boards have been longest in operation, and it is safe to say that partly as a result of Trade Board legislation speedier and better types of machines are now generally in use as compared with those which obtained some few years ago. (Pages 913-914.)

13,047. . . . . I think that the provision of learners' facilities in the determinations has resulted in the juveniles in many of the trades receiving much more efficient training than they otherwise might have done. The fact that in the clothing trade an employer has got to raise his rates in the case of juvenile workers is an incentive to him to make that worker worth her money each time he has got to raise her rate, so that he is continually pushing her along—giving her better or more highly skilled work.

13,050. . . . . It was common in 1912, 1913 and 1914, in some of those trades in which the rates had not been long in operation, to find juveniles who had been perhaps for two or three years at one little job. They were taught nothing of the trade. Enquiry would show

that a girl had been paid perhaps the one rate for two or three years—probably a few shillings a week.

13,051. *Mr. Poulton:* I suppose they become very expert by being kept at that one job?—They did not attempt to train them at all. They just kept them on at some blind alley job in the factory for an improper length of time.

13,052. *Sir Arthur Pease:* That must, of course, depend to some extent on how the people above them move, must it not?—It must; but at the same time the groupings in the factories and workshops were not as well balanced as they might have been. Firms may have had an undue proportion of juveniles in the factory, and they were more or less uncommitted to the training of a large proportion of the people that they took in. But under the present regulations an employer has got to give each of those youngsters proper facilities for learning the trade, and he takes care, as he has got to increase her rate each six months, to push her on. When a Trade Board has been in operation for a number of years there is generally, I think, a wider field of skilled labour for the trade than existed before.

13,053. In going to these factories, have you much difficulty in dealing with employers as a rule? Is it the rule or the exception where you have difficulties?—I think, generally speaking, one finds employers very reasonable. Where difficulties arise, they do so very frequently because employers have not got detailed knowledge of the conditions obtaining in their own factory. They are dependent on managers and foremen for their information, and they are often very much surprised at the information we pass on to them. (Page 932.)

Statement of Mr. T. B. Harmer, representing the Eastern Counties Wholesale Clothing Manufacturers' Association. December 6, 1921.

4074. . . . . Where you have got factories in a centre the organisation is very good and the method of

production is very swift. The result of the Trade Board rate was to some extent to transfer these methods to outlying districts. The old method in the country districts was to make garments very largely by one person, just as a carpenter might make a chair or a table or something else. The result of the Trade Board regulations was to introduce the team system which was prevalent in the larger centres, and the consequence was that the production is very much more rapid. Each person instead of doing the whole process does a very short process. (Page 324.)

Statement of Mr. E. H. C. Wethered, O.B.E., M.A., LL.B., District Chairman, of the Court of Referees 1913-1918, of the Local Munitions Tribunals 1915-1918; District Umpire for the National Wool Textile Industrial Council; and Honorary Member of the National Council of the Pottery Industry. Chairman of the Brush and Broom, of Hair, Bass and Fibre and of General Waste Materials Reclamation Trade Boards. February 1, 1922.

11,438. *Sir Arthur Pease:* You have really come to the point as to whether it is worth while making a rate so that these trades can struggle on, or whether you will make rates which will stop them altogether in many cases?—I have never so far come across a case in which it has been suggested that they have stopped industry. What I think may happen if a reasonable standard rate is insisted upon is, that old-fashioned and badly managed shops in an industry may find it impossible to come up to the standard of wages imposed; but I have never heard a suggestion of an industry being stopped as such.

11,439. A large part of an industry?—I have never heard of such a case. You see rates which have been fixed by Trade Boards, as far as my experience goes, have never been at all in excess, or at any rate appreciably in excess, of rates which were already being paid by well-managed shops; or reasonably managed shops—I will not say "best managed"—in that industry; that is to say

rates which those in well managed shops in the best places are in fact paying.

11,441. . . . . The actual effect of the Trade Board fixing a rate right through the country has been to bring backward shops which wanted to keep in business up to the more reasonable standard which other people had found it possible to achieve.

11,442. *Mrs. Lyttelton:* In fact the standard has been rather set by the well-managed shops in the industry?—Yes. The effect of the minimum wage legislation by the Trade Boards has been to put the screw on the apathetic and slow employers in many cases and to make them put their house in order and to bring their business up to a higher level of efficiency. In my judgment that is one of the most important things Trade Boards have done. (Page 826.)

Statement of Professor F. Tillyard, Professor of Commercial Law at the Birmingham University, Chairman of the Birmingham Court of Referees. Chairman of Lace Finishing, of Coffin Furniture, of Chain, of Hollow-ware, and of Tin Box Trade Boards and member of Tailoring Trade Board. February 15, 1922.

12,499. . . . . I do not think you can go on raising wages indefinitely apart from increase in efficiency; but, on the whole, I think the Trade Board regulation of wages has promoted efficiency in the trades, and has, therefore, enabled employers to pay a higher wage.

12,500. *Lord Cave:* That means in order to pay a Trade Board rate they must sometimes improve their machinery and their organisation?—Yes; and there has been great room for it apparently. (Page 897.)

Hansard's Parliamentary Debates. Vol. 90. February, 1917.

Mr. Robert Leonard Outhwaite, Member from Hanley:

The policy involved in that argument is that a low wage is an economic wage, and that low wages mean

cheap production. On the contrary, low wages mean high cost of production. It is because you pay agricultural labourers starvation wages that they cannot work at their highest capacity; they have not the requisite physical condition, and are unable to work efficiently machinery which requires skill. (Page 186.)

The Prime Minister—(Hon. Lloyd George):

I do not believe any farmer looking at the prospects, can fail to see that the old wages are gone—and a good thing, not merely for the labourer, but for the farmer. The best farmers in a district are those who give the best wages. (Pages 1601-2.)

Right Honorable Walter Runciman, Member for Dewsbury:

The mistake that has been made in agricultural districts in regard to wages is that they have kept wages down to the old level, instead of raising them continuously. It is quite true—it was said, I believe, earlier in the debate by the Right Hon. Gentleman himself—that the best farming is to be found in the districts where the best wages are paid. That is absolutely true, and I believe if the best wages were paid now in some of our counties which are supposed to be yielding nothing like enough in foodstuffs, there again you would have prosperity restored to the farmer, for you will combine with those high wages the necessary degree of intelligence which must accompany good farming. (Pages 1631-2.)

Hansard's Parliamentary Debates. Vol. 107. June 17, 1918.

Colonel Lord Henry Cavendish Bentinck, M. P.:

The trade boards already instituted have shown that while they may not secure to the worker a real living wage, they do get 50 per cent added to that wage, and in bringing about that result not only have they not done

an injury to the employer, but they have actually benefited him; they have forced him to set his house in order, they have made him adopt more efficient machinery and they have given him a body of workers more efficient than before—far more efficient because they get something like a living wage. (Page 83.)

Report of the War Cabinet Committee on Women in Industry. Great Britain. Cmd. 135. London. 1919.

But all the facts revealed in the present enquiry show that women are still very far from having attained a position which would permit them to bargain independently with employers or maintain their rights in demarcation questions against other organizations. It is necessary first to give them an escape from the vicious circle of low efficiency—low wages—low organization. The evidence shows that the principal obstacles have lain in their low wages and precarious tenure of employment, and that the establishment of minimum rates by the Trade Boards has in several cases been followed by a greatly strengthened Trade Union Organization. There is thus no inconsistency, but rather an intimate connection between the protective measures we recommend and our belief that the best hope of real and permanent amelioration of the position of women in industry lies in Trade Union action. (Page 173.)

Memorandum by Dr. Janet Campbell, to Committee:

7. The results of employment of women under war conditions have emphasized the importance to health of good food, clothing and domestic comfort which can be obtained when the wages represent a reasonably adequate recompense for labor. They have also proved that properly nourished women have a much greater reserve of energy than they have usually been credited with and that under suitable conditions they can properly and advantageously be employed upon more arduous occupations than has been considered desirable in the

past even when these involve considerable activity, physical strain, exposure to weather, etc. (Pages 251-2.)

Minority Report of the War Cabinet. Committee on Women in Industry. Great Britain. MRS. SIDNEY WEBB. *Cmd. 135. London. 1919.*

One of the most important social reactions of the resolute enforcement of uniform minimum rates is, we believe, its continuous influence on the relatively inefficient. From the standpoint of promoting the maximum efficiency of production we have seen that it must be counted to the credit of the enforcement of uniform minimum rates that it is always compelling the employer to pick his workers for quality; and, in his filling of vacancies to strive, as he cannot get a "cheap hand," to obtain for the price that he has to pay, greater skill or strength, a higher standard of sobriety and regular attendance, and a superior capacity for responsibility and initiative. The fact that the employer's mind is thus set on getting the best possible workers silently and imperceptibly reacts on the wage earners. (Page 303.)

Australia.

South Australian Industrial Reports. Vol. 1. 1916-18. President of the Industrial Court, Mr. Jethro Brown:

The Salt Case.

The President is bound by law to award not less than a living wage. If that wage is higher than has been previously fixed, the excess may come out of the profits of the employer. But if it should so happen that the excess cannot be paid out of profits, there are other sources to be drawn on. There is the possibility of increased economy or increased efficiency in the conduct of the business concerned. There is the possibility that an increased output on the part of employers may enable the employers to avoid shutting down. A great deal of evidence might be adduced to show that in Australia the sources to which I have referred as available for paying higher wages—increased economy or efficiency of business organization, and an increased output on the part of the worker—are sources from which, under the stimulus of necessity, much more might be drawn than at present. I do not speak of *all* industries, but my remark is fairly applicable to a large number. . . . . I dwell upon these things, because I wish to show that if this Court, in declaring a living wage, declares a wage which apparently cannot be paid by the industry concerned, the Court is not necessarily shutting down the industry. In a number of cases which have come before Australian industrial tribunals, the argument has been brought forward that a particular business or industry would have to be closed down if the wages were raised, and yet the industry or business has continued despite increased wages, and is to-day paying reasonable dividends. Whether the result be due to the potential economy of high wages, or to the fact that employers have discovered that necessity is the mother of invention, or to other circumstances, I need not pause to consider. That fact is indisputable. (Pages 3-4.)

The Living Wage—Tinsmith's Case.

Nor is it sound business to underpay the worker. It is true that particular employers may make *profits* by the award of a wage lower than the true living wage. But *the interests of the employers as a whole* are not to be promoted by sweating wages, or even by a bare subsistence wage. . . . . I cannot too strongly emphasize the fact that it is for the interests of the employers themselves, as well as for the employes, that the living wage awarded by this Court should be such as to ensure to every workman a wage sufficient to maintain him in a high state of industrial efficiency, and to provide his family for the necessaries for health and well being. When economists speak of the *potential economy of high wages* they are not talking in the air. They are talking of something which has been demonstrated in the industrial development of modern communities. . . . .

The mistake that is often made by private employers is the mistake so commonly, and I fear justly, attributed to Governments — the mistake of *seeking efficiency through economies rather than economy* through *efficiency*. (Pages 80-81.)

South Australian Industrial Reports. Vol. 2. 1918-19.

President of the Industrial Court, Mr. Jethro Brown:
The Printing Trades Case.

Sound national economy embraces the recognition of the need for securing such a return for work, whether mental or physical, as will maintain the worker in health and efficiency, and stimulate his or her ambition. The realization of the fact, in its bearing upon maximum production at lowest cost of production, leads to the conclusion that lowest cost of production should be sought for, less in low rates of wages, than in increased skill in the management, and in increased efficiency of the worker. (Pages 45-6.)

The Furniture Trades Case.

It may be conceded that an increase in the price of a commodity produced has sometimes been inevitable where wages have been increased. But I do not hesitate to express the opinion that, in a majority of cases, the increase of prices, aside from fluctuations in the world's markets, and omitting for the moment the possibility of some diversion of profits to wages, might have been avoided by a greater efficiency on the part of employers and employees by eliminating, as far as possible, the waste of disorganized industry, by the installation of up-to-date plants, and the adoption of the most effective methods of business organization. (Page 235.)

Canada.

Canada National Industrial Conference of Dominion and Provincial Governments with Representative Employers and Labour Men, on the Subjects of Industrial Relations and Labour Laws, and for the Consideration of the Labour Features of the Treaty of Peace. Ottawa, September 15-20, 1919.

Miss Helena Gutteridge, United Garment Workers, representing women workers:

A man may be unskilled, but the fact that you employ him shows that he is necessary. No one employs more help than he has to. That being so, the workers should be paid sufficient to enable them to keep the human machine in good condition, sufficient to enable them to get plenty of food and rest and so they may have plenty of energy to go on with the work of the next day.

Province of British Columbia. Annual Report of the Department of Labor for the Year Ending December 31, 1919.

Successful employers understand the advantages that accrue from a body of workers rendered cheerful and contented by good wages and conditions.

Since the introduction of minimum-wage legislation many employers with large staffs of workers, having come to a realization that an undue percentage of their help was below the proper economic standard of efficiency, have adopted better business methods. So soon as a minimum wage was ordered in their industry employers became more careful in the selection of new hands, and demanded greater efficiency not only from these, but from their executives and heads of departments. Where formerly an employe, untaught and unsupervised, was allowed to stagnate year after year at a small salary in an unimportant department, without the probability of advancement to act as incentive to better service, today, because she must be paid the minimum wage, she bene-

fits in that the employer is stirred to a new investigation of his pay-roll. He soon perceives that an employe kept overlong performing trivial duties at a low wage is a dead-weight in the business. (Page 85.)

All the inefficiency is not confined to the employe. It exists fairly often in the office and management, and for the errors and mistakes originating there incompetent employers habitually endeavored to recoup themselves by underpaying the workers.

Employers themselves capable, generally appreciate and understand competence in others. It is usually the incapable or unbusinesslike head of an establishment who undertakes the hopeless task of attempting to make his profit on the difference between what he does pay his working force and what he should pay them.

An undue proportion of learners or inexperienced workers placed on the pay-roll for the sake of a lower wage is not only unjust and cruel, but is a clear manifestation of inferior management and lack of executive ability.

Under the Act special licenses may be issued to women and girls handicapped by physical defects and to "female apprentices in any occupation in which apprentices are usually employed. . . . . The number of special licenses shall not exceed in number one-seventh of the whole number of employes," or "where less than seven employes are employed one apprentice holding a special license may be employed." (Page 86.)

Mr. Grier need not worry about the skilled worker. He said that a man who had a greater degree of ability should receive more than one who had not so much ability. I agree with him; but that does not alter the fact that even the man who lacks the higher degree of ability must be given a living wage.

We have been told during this Conference that the industries of the country could not possibly stand the strain that would be put upon them—that they would have to go out of business. If that is true, it simply means that it would be better that they should go out of

business than exist upon the degeneracy of the workers. (Page 107.)

I work at the tailoring trade, and am interested in the garment-making trade. The textile trade is a somewhat similar line of industry. It is in some of those lines we are told, particularly in regard to the wages of women, that we must not press for too high wages, for those industries cannot bear it. I am going to quote what was discovered after a Government investigation of one particular industry, the Dominion Textile Mills. I am informed that recently there was a strike of the employes of that particular firm for increased wages; and that that strike was justified is quite evident, because the investigation showed that 312 per cent profit was made by that particular firm during the four years of the war. Now, Mr. Chairman, if you tell me that an increase in wages, or a living wage paid to the workers in that industry, is going to drive that firm out of business, is going to ruin it, you will have to bring forward some very great proof indeed, in view of the results of that investigation into the profits that were made by that industry. Now, I am not assuming that every industry is in that position; but you cannot possibly tell me that the paying of an adequate living wage to employees in any particular industry is going to drive that industry out of business unless you bring forward evidence showing the cost of the operations required in producing the particular articles which it produces, and just how much there is of what you call profits. (Pages 107-108.)

3. Competing Employers Benefited.

Certain employers in every low paid industry have paid higher wages than their competitors because they believed in the policy of good wages. Minimum wage legislation removes the disadvantages of the "cut throat" competitor.

(1) General Statements.

District of Columbia.

District of Columbia. Minimum Wage Board. Second Annual Report. December 31, 1919.

There were found to be very marked differences in wage rates between stores of the same type and great lack of standardization within an individual establishment. Interviews with employers and employees revealed the fact that to a considerable extent the wage paid was the result of an individual bargain. The woman who demanded more got more and the woman who did not ask for a raise seldom received one. It was a general practice in stores to instruct the new employee that she must on no account tell her fellow workers what wage she was receiving, and these secrets apparently were well kept. This secrecy rendered possible unequal pay for equal work. (Page 8.)

California.

California. Industrial Welfare Commission. Third Biennial Report. 1917-1918.

In 1916, 22,000 women were employed in the canning industry. The output was worth approximately $36,000,000, more than double the gold output of the state.

The conditions that have existed in the canning industry throughout the United States have too often been the subject of inquiry and report to need repetition here.

California was not exempt from the charge of low wages and poor working standards. It is pleasant to state that the continuance of such conditions was not desired by the management of the canneries. Just as soon as an agency was made available that could insure better standards throughout the state, so that no one progressive plant would be subject to unfair competition of unscrupulous managers, the cannery owners willingly co-operated.

What has been accomplished—increase in wages, decrease in hours worked and great improvement in sanitary conditions, assuring wholesomeness for the consumer no less than for the employee—is a very real accomplishment, the more difficult of attainment because of the seasonal nature of the industry, and freedom from previous supervision. (Page 10.)

Massachusetts.

Massachusetts. Minimum Wage Commission. Fourth Annual Report. December 31, 1916.

Report of Women's Clothing Wage Board.
Financial Condition of the Industry.

The next duty of the board was to inquire into the financial condition of the industry, and the probable effect thereon of an increase in minimum rates to $8.98 a week. (Page 22.)

The results of the board's study showed that the industry in Massachusetts competed to some extent with the industry in other manufacturing centers. Although it was found that the great bulk of the products of this industry in Massachusetts were sold in New England, the board felt that Massachusetts industry should not be forced to manufacture on such terms as would keep it limited to the present market. Nevertheless, in so far as the investigation yielded any facts, these did not indicate that the additional labor cost, brought about by the establishment of the contemplated minimum wage, would seriously handicap the industry in competition with other States.

A survey of the industry revealed anarchical conditions which were substantiated by the investigation. Little capital is required to start, and this is often advanced by the large retail stores. The result is a high birth rate of new concerns, bringing inefficient management and poor working conditions continually in competition with established concerns, forcing prices down to the cut-throat level. The business death rate is correspondingly high, but there are always new concerns to take the field. Even among established houses, manufacturing substantially the same lines of goods, there is little uniformity in management, rates of wages or cost accounting. Some establishments reported that the proposed minimum wage would not affect their business at all; others that its effect could be met by better management or more efficient labor; others that it would decrease their profits to a slight extent; others that it would drive them out of business in Massachusetts. The investigation indicated all of these possibilities. Whether or not the rise in wages entailed by the establishment of a minimum wage could be offset by more efficient management and labor could not be answered positively, but many factories which were already paying a minimum wage close to the sum suggested were apparently in sound financial condition. (Pages 23-24.)

Mandatory Minimum Wage Recommended.

The board felt that if the minimum wage were accepted by all manufacturers it would not be a hindrance to the industry, but would tend to equalize wages and relieve the more progressive factories of competition with sweat-shops and family shops. On the other hand, a minimum wage, accepted by some and rejected by others, would accentuate the inequalities in wages paid by different establishments. It was therefore unanimously voted that this board go on record as favoring a mandatory minimum wage at the earliest possible date. (Page 24.)

Massachusetts. Minimum Wage Commission. Seventh Annual Report. November 30, 1919.

[The evidence] indicates, further, a changing attitude in regard to the minmum wage work; a recognition on the part of many business men that a minimum wage is as much in their interest as in the interest of their employees; that since it is a minimum, and not a standard wage, it protects them from unfair competition by leveling up rates at the lower end of the scale to more nearly approximate those set by representative employers in the occupation. (Page 55.)

Washington.

Washington. Tenth Biennial Report of the Bureau of Labor, Statistics and Factory Inspection. 1915-1916.

Employers' Comments.

E.—"It has helped our store wonderfully, as we always paid good wages and the competition was keen before, now we have clear sailing."

F, proprietor of a laundry, said: "The eight-hour law and the minimum wage are two of the best laws that have ever been passed for the laundryman. It does away with cutting of prices and helps the laundryman, who has always wanted to pay good wages, but was prevented on account of competition." (Page 274.)

In General.

Minimum Wage Laws Are Good Business. Extracts from Letters by Employers Operating under a Legal Minimum Wage. National Consumers' League, New York. October, 1920.

Employers Who Pay a Living Wage Protected from Unfair Competition.

Preston McKinney, Secretary, Canners League of California, San Francisco, Cal. March 11, 1920.

"The Act has been in effect since 1916, and it gives complete authority to The Industrial Welfare Commis-

sion to establish minimum rates of pay for women and minors, as well as giving the Commission very complete authority covering sanitary conditions as affecting the workers in the plants, seating arrangements, safety devices, etc.

"As administered by Mrs. Edson and the other members of the Commission, we are convinced that the industry itself has benefited. In any large industry, the majority of the units are managed by broadminded men who see the human as well as the business side of their work, but it is equally true that in any large industry, a certain percentage of the units are administered by men who lack these elements. The effect of the work of the Industrial Welfare Commission has been to bring up the 'low end' and in so doing, has served to place competition on a better basis.

"Above is the effect on the industry as an industry. We have in addition the satisfaction which accrues to us because of the knowledge that our operatives are unusually well paid and work under particularly favorable conditions."

W. T. Gamage, Supt. Canning Dept., Gorton-Pew Fisheries Co., Gloucester, Mass. Feb. 4, 1920.

"The raise in wages is of advantage to the more liberal minded employer since it usually forces competitors who have paid lower wages to advance their pay, thereby eliminating an unfair advantage possessed by the latter. In our experience we found that no employers objected to the recommendations of our Board. All employers seemed willing to submit to a fair advance in wages, provided all in the industry were placed on the same basis."

D. D. Dayton, The Dayton Company, Minneapolis, Minn. Feb. 5, 1920.

"There isn't any question that a minimum wage helps all legitimate business as against the employer who has not developed to the point where he realizes that good wages are a good investment."

E. L. Thompson, Treas., Portland Woolen Mills, Portland, Oregon. Dec. 3, 1919.

"It has removed the opportunity of the wage cutter and inefficient manager, the opportunity of under-selling and taking undue advantage of his more just and righteous competitor."

B. C. Beck, Store Manager, The Bon Marché, Seattle, Wash. Dec. 24, 1919.

"Establishment by the State of costs of living in various trades and localities is surely desirable. Fixation of minimums related to these living costs, below which wages paid shall not fall, only assists the constructive employer to do what ought to be done by forcing the opportunist employer to do what he ought to do anyway."

C. C. Carpenter, Pres., The MacDougall & Southwick Co., (retail dry goods) Seattle, Wash. Dec. 31, 1919.

"I am heartily in favor of a minimum wage under control of the State. Such control protects the fair-minded, right-thinking employer."

Great Britain.

Great Britain. Report to the Minister of Labour of the Committee Appointed to Enquire into the Working and Effects of the Trade Boards Acts. London. April, 1922.

45. . . . . in establishing statutory minima Trade Boards have afforded protection to the good employer, able and willing to pay a reasonable rate of remuneration to his workers, from unscrupulous competitors, prepared to take unfair advantage of the economic necessities of their workers. The existence of such competition has been stated by employers to have been an important factor in preventing a general improvement in conditions in their trades in the past. . . (Page 23.)

Great Britain. Committee of Enquiry into the Working and Effects of the Trade Boards Acts. Minutes of Evidence. 1922.

Statement of Mr. Humbert Wolfe, C.B.E., Principal Assistant Secretary Ministry of Labour in charge of the Trade Boards Branch. October 12, 1921.

83. *Mr. Poulton:* Is there a third factor which enters there: that regard also should be had to protecting the good employer against the unscrupulous employer?—I think that is true. That is why so many of the best employers in Trade Board trades, I think, would still be prepared to defend Trade Boards.

84. *Lord Weir:* That is really to provide effectual machinery for regulating wages and conditions?—Exactly. (Page 7.)

Statement of Mr. John Carr, Director of Peek, Frean and Co., Ltd. (biscuit makers) in behalf of manufacturers' section of London Chamber of Commerce. November 2, 1921.

1073. *Lord Weir:* If you consider you are organised now, is it now time to give up the Trade Boards alto-

gether and progress towards Industrial Councils?—No, I am afraid that ambition will never be realised. You must in an industry have some legal power to enforce your decisions, and in an Industrial Council you have no legal power to enforce your decisions.

1074. *Lord Cave:* In an unorganised industry?—If you are a highly organised industry and you agree in the Industrial Council to pay a given rate, however highly organised the industry is, there is sure to be some one manufacturer in it or some one manufacturer will start in it who will pay less, and you have no legal power to make him pay the rates.

1075. What you say is rather in favour of extending the compulsory power?—Personally I am in favour of extending Trade Boards with a compulsory legal backing behind them.

1076. Even in an organised industry?—Yes. As an instance of that, the tobacco trade asked for it and the biscuit industry have asked the Minister of Labour to set up a Trade Board for the industry. Although we have our minimum rates fixed, every manufacturer in the country is a member of our organisation, and we can fix minimum rates which we impose upon ourselves, at the same time we feel that it would be of value to have a Trade Board.

1091. Taking your own industry, you said you had applied for a Trade Board, although you had a minimum rate already in operation: what is the object of applying for a Trade Board?—It was realised that there were manufacturers who were not prepared to abide by the findings of the Manufacturers' Association.

1092. Did your Association fix more than minimum rates as minimum rates for one class of workpeople, or were minima fixed for other classes?—There was simply a minimum rate for the unskilled worker.

1093. And it did not deal with the skilled workers?—No. (Pages 119-120.)

Statement of Evidence submitted on behalf of the Wholesale Mantle and Costume Manufacturers' Federation of Great Britain.

Employers recognised the need of some machinery to regulate proper rates of pay throughout the whole industry, otherwise competition in this vast trade, with its ramifications, is unfair to the employer anxious to pay reasonable wages. (Page 999.)

Statement of Mr. S. W. Pascall on behalf of the Food Manufacturers' Federation, original member of the Sugar Confectionery and Food Preserving Trade Board established in 1914. December 15, 1921.

The Board has undoubtedly had a steadying influence and has added an element of certainty by the prevention of unfair competition by employers paying an unduly low rate of wages. (Page 465.)

6623. *Lord Cave:* The operations of that Board have been of benefit to the workers?—Unquestionably, and to the trade as a whole.

6624. And, I suppose, to the employers, by removing unfair competition?—Removing unfair competition, and removing an element of uncertainty.

6625. And it also led to better relations between the employers and the employed?—I think in the main, yes, though the relations were usually very fair previously to that. (Page 467.)

6673. . . . . We had a certain number of employers, even under that early Act, who thought that the end of the world had come so far as they were concerned. Of course, some people still dislike them in our trade, and in every trade, but it was only when they got experience that they came to see that after all they were more of benefit than they were of harm. (Pages 469-470.)

Statement of Mr. John Campbell, Chairman Scottish Retail Drapers' Federation and ex-Chairman of the Scottish Garment Makers and Milliners' Federation. December 7, 1921.

4734. —We say that we, as a drapery trade, are in favour of Trade Board principles, but there is much apprehension amongst other distributive trades in Scotland. They are rather opposing the principle of setting up Trade Boards as applied to their individual trade. We think there is a good deal of apprehension on their part in regard to the consequences, and I think that very largely arises from a want of knowledge of the operations of the Act. We have had practical working experience of these Trade Boards as applied to the making-up sections of our trade, and while we do not agree altogether with their results, we are not scared by any means as to the consequences of the wages and conditions being fixed by the Trade Board. We feel that any defects are temporary in nature and are quite capable of being rectified. As I have said, it must not be assumed that we accept everything that has been done by those Boards as satisfactory. We, as a matter of fact, are very critical of the present working of the Boards, but we are, nevertheless, of opinion that the principle underlying the Trade Board system is sound, is calculated to be of benefit both to employers and employees, and their present defects (although in many cases serious) are capable of being remedied. Among the reasons for our acceptance of the principles are, first, that it is desirable to have the minimum wage scale set up; secondly, that we are, like all retail distributive trades, only partially organised. This may be said equally of employers and employees. Thirdly, that owing to its conditions, the trade necessarily includes a large number of businesses whose profits are very small and whose margins of existence are very narrow. Under these conditions, the tendency to pay low wages in such businesses is strong. On the other hand, the paying of low wages by some employers always tends to keep depressed the wage level all round. Fourthly, in

country places, opportunities of employment are limited. Employees in such districts cannot organise; and as they are, in many cases, by their conditions, restricted to some kind of employment in the district in which they live, they are defenceless against unduly parsimonious employers; and lastly, so far as we can see, there is no way, other than by the Trade Board, of protecting a good employer desirous of paying a fair wage from the unscrupulous competitor paying low wages. (Page 356.)

Statement of Miss M. J. Symons, Assistant Secretary of the Women's Section (40,000 members), National Union of General Workers; member of Boot and Floor Polish, of Laundry, of Ostrich and Fancy Feathers, of Stamped or Pressed Metalwares, and of Tin Box Trade Boards. February 8, 1922.

12,154. . . . . At an arbitration case which was held in July, 1921, the Secretary of the Employers' Association, [Drug and Fine Chemical Trade] Sir William Glyn Jones, read to the Court a letter which he had sent to the Trade Unions on this joint negotiating body, in which he says: "At a general meeting of the Association, held yesterday, it was decided to seek the establishment of a Trade Board to cover the business coming within the scope of the Association." He remarked: "Usually, I believe, the demand for the Trade Board comes from the other side; in this case it is coming from the employers' side. It is only fair to say that it is supported by the unions, but the initiative has been taken by the employers." Then the letter continued: "The Association has been led to this conclusion by reason of the difficulty of continuing in existence as a voluntary organisation, in view of the competition with firms which are not members of the Association, and consequently not under any obligation to pay the wages agreed upon, and which, in fact, do pay considerably less than these rates." In that case application for a Trade Board was made, but the Trade Board has not yet been set up owing to the recent policy

of the Government to suspend the setting up of new Boards. (Page 872.)

Statement of Mr. W. Addington Willis, Chairman of Boot and Shoe Repairing, and of Toy Trade Boards, and Deputy-Chairman of Brush and Broom, of Hair, Bass and Fibre, and of Grocery and Provisions Trade Boards, and arbitrator or conciliator in over 260 industrial disputes. February 1, 1922.

Some form of minimum wage legislation appears to me necessary. (Page 794.)

One of the advantages of the Trade Board system to employers, and indirectly to their workers, and an advantage which I believe is appreciated by fair dealing employers (and in my experience they form the great majority) is that the system tends to secure them against unfair competition by a minority who trade on underpaid labour. (Page 797.)

Hansard's Parliamentary Debates. Vol. 107. June 17, 1918.

Sir R. H. Barran, M. P.:

The industry with which I am connected has been working for nine years under the trade boards, and we are satisfied with them, and we should be glad to see an extension of them. They have been a very great advantage to the workpeople without being a corresponding disadvantage to the employers. They have done a great deal to level up the wages that have varied in different parts of the country. In that way they have been of assistance to the better class of employers against the less generous class of employers. In many trades it has been a great disadvantage to have a lower rate of wages paid in one part of the country than in another, and nothing has tended more to level up the rate of wages to a reasonable living wage than the bringing of the different employers and workpeople together under the trade

boards. I do not think any of the trades that have been working under the trade boards for nine years would wish to go back to the old system. (Page 113.)

The Industrial Outlook. Essay entitled, The War and the Wage Earner. HENRY CLAY, *M. A. London. 1917.*

Nothing has a more selective influence in eliminating unfit organizers than the imposition of conditions by effective Trade Unions or the State. As was pointed out above, the problem of efficient production admits of alternative solutions. The imposition of conditions may make the problem a little more difficult, but it does not make it insoluble. In industry, as in art, "limitations are the artists' opportunity." Or a parallel may be drawn from golf: you do not make it impossible to go round in bogey by bunkering the course; you only make it impossible for the second-rate player, and make it easier for the latter to establish his superiority. War Factory Acts, Wages Boards, the standard rate, taxes or other penalties on irregular employment, are so many bunkers for the employer who has missed his vocation. For the natural organizer they are opportunities, if they make his task more difficult, they tend to extend his influence and increase his profits by removing competitors and enabling him to absorb their trade. (Page 104.)

The Present Position of Industrial Women Workers. B. L. HUTCHINS. *The Economic Journal, December, 1921.*

Whereas the price of commodities tends to uniformity in a given market, the price of labor, to use a convenient if unpleasing phrase, often varies to an extraordinary degree, and the conscientious employers who, whether from motives of humanity, efficiency, or the simple desire to avoid trouble, pay fair wages, are constantly liable to be undercut by less scrupulous employers.

Miss Constance Smith, in a book on wages boards, written just before the Trades Boards Act was passed, prophesied that the first effect of such boards would be one of steadying and regularizing rather than of greatly raising wages; a limit would be set to undercutting. This forecast proved correct. A great part of the value of the work done by the earlier Trade Boards consisted in the check placed on the anarchic fluctuations in the rate of pay. The wages fixed were far from being extravagant—indeed in many cases they were not sufficient for healthy maintenance. So low was the standard of those days that in some trades a minimum of 3½d. an hour constituted a distinct advance, even for adult workers. The great point of Trade Boards regulation was that its action was preventive. Some degree of security was attained in the industries concerned, and a stop was put to the downward tendency that seems inevitable in unorganized trades. Extreme under-payment became illegal and a minimum standard for unskilled workers was created. (Pages 462-463.)

(2) Statistics.

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. Wages of Women and Minors in the Mercantile Industry in the District of Columbia. June, 1919.

It is seen that the percentage of saleswomen having rates of $12 or less ranged from 17.9 per cent in ladies' specialty shops to 86.4 per cent in 5, 10, and 15 cent stores. The corresponding percentage in department stores was 57.3 per cent. In the group receiving $16 and over the same divergence was found. This rate was received by 51.6 per cent in ladies' specialty shops, by 21.2 per cent in department stores, and by less than 1 per cent in 5, 10, and 15 cent stores. It is obvious that these variations were due in part to the differences in the character of salesmanship required in the different types of stores. However, a detailed study of department-store wages showed that even in stores of the same type marked differences still persisted. (Page 199.)

The seven department stores included in the study employed approximately 70 per cent of all the women for whom wage rates were obtained. Similar conditions in these stores justify comparison of their wage rates. Both because of preponderance in workers and comparable conditions a more detailed analysis has been made of their pay rolls. (Pages 200-201.)

Table 16.—Cumulative Per Cent of Women Employees in Seven Department Stores, Receiving Each Classified Weekly Rate or Under, by Occupation and Establishment.

Occupation and Establishments	Cumulative Per cent. of Women Employees Whose Rates of Wages per Week Were—								
	$8 and under	$9 and under	$10 and under	$11 and under	$12 and under	$13 and under	$14 and under	$15 and under	$16 and over
Saleswomen									
No. 1	2.8	8.4	32.7	34.9	58.6	59.2	67.6	81.9	18.1
No. 2	...	....	3.9	3.9	44.2	48.1	81.5	76.9	23.1
No. 3	1.7	3.6	25.6	27.2	67.7	70.4	76.4	84.1	15.9
No. 4	1.8	21.1	38.5	45.0	67.9	77.1	79.8	95.4	4.6
No. 5	.5	1.6	19.8	20.3	57.7	58.3	69.0	78.1	21.9
No. 6	4.2	9.7	31.5	33.6	60.2	61.6	64.4	76.1	23.9
No. 7	.6	2.0	6.1	7.3	39.7	44.1	55.1	67.0	33.0
Total	1.9	6.0	23.5	25.4	57.3	60.0	67.4	78.8	21.2
Office Employees									
No. 1	...	1.3	26.9	30.8	43.6	56.4	62.8	70.5	29.5
No. 2	...	....	6.5	6.5	27.3	32.5	45.5	63.6	36.4
No. 3	2.1	3.2	11.6	13.7	20.0	29.5	42.1	58.9	41.1
No. 4	...	10.0	10.0	10.0	40.0	70.0	70.0	90.0	10.0
No. 5	...	....	5.2	6.9	36.2	36.2	41.4	60.3	39.7
No. 6	8.4	9.9	14.1	14.1	54.9	54.9	59.1	71.8	28.2
No. 7	1.2	1.2	7.8	8.4	27.6	28.8	42.5	61.1	38.9
Total	1.8	2.5	11.5	12.8	33.1	38.1	48.2	64.2	35.8

(Page 204.)

As shown in these tables, establishment No. 2 was paying less than 4 per cent of its saleswomen at a rate of $10 or under, while in establishments Nos. 1, 4, and 6, over 30 per cent were being paid at that rate. One-third of the saleswomen in establishment No. 7 were receiving $16 or over in contrast to less than 5 per cent in establishment No. 4. (Pages 204-205.)

The same striking difference in rates within an occupation is shown among the office employees. A variation of 30 per cent is shown in the rates paid by one establishment over those paid by another.

These figures prove conclusively that within a given competitive area establishments of the same kind may prosper side by side although the wage level may differ from one to another. This bears out the oft-proven fact that there is no connection betwen wage rates and total

labor cost; that where the highest rates prevail the lowest labor cost may be found, and vice versa. It is generally conceded that high wages make for greater efficiency. Furthermore, organization and management are such important factors in the cost of carrying on a business that a few dollars more or less in the pay envelope of the workers may be more than offset by scientific handling of the labor force. (Page 205.)

District of Columbia. Minimum Wage Board. A Study of the Work and Wages of Women in Printing, Publishing and Allied Trades in the District of Columbia. January, 1919.

Job Printing and Publishing Companies.

Cumulative Per Cent of Women With Rate of

Establishments	Under $9	Under $10	Under $11	Under $12	Under $13	Under $13	Under $15	Under $16	$16 and Over
No. 1	0	12.1	42.2	60.6	81.8	90.9	90.9	93.9	6.1
No. 2	0	0	63.6	63.6	93.2	97.7	98	100	0
No. 3	0	0	0	0	8.7	8.7	8.7	91.3	8.7
No. 4	4	4	24	36	44	44	56	88	12
No. 5	47.5	47.5	70	77.5	80	80	80	85	15
No. 6	0	0	21.1	31.6	52.6	52.6	52.6	94.7	5.3
No. 7	0	0	14.3	35.7	42.9	42.9	57.1	78.6	21.4
No. 8	0	8.3	8.3	33.3	41.7	41.7	66.7	75	25
No. 9	0	0	0	0	37.5	37.5	50	100	0
No. 10	20	20	30	30	60	80	80	80	20
No. 11	0	0	0	0	90	90	90	90	10
No. 12	0	0	22	22	88.9	88.9	88.9	100	0
No. 13	0	0	0	0	50	70	70	70	30
No. 14	0	11.1	11.1	33.3	44.4	55.6	55.6	77.8	22.2
Average	8.1	10.3	32.6	40.7	61.9	65.5	68	87.2	12.8

(Page 6.)

Five Publishing Houses.

Per Cent of Women With Rate of (Cumulative)

Establishments	Under $9	Under $10	Under $11	Under $12	Under $13	Under $14	Under $15	Under $16	$16 and Over
No. 1	0	0	0	0	0	0	0	22.2	77.8
No. 2	0	0	0	3	4.2	20.4	20.4	30.6	69.4
No. 3	0	21.2	34.6	44.2	46.2	55.8	78.8	80.8	19.2
No. 4	2.5	17.5	42.5	47.5	72.5	72.5	82.5	90	10
No. 5	0	0	0	0	51.7	65.5	65.5	79.3	20.7
Average	.3	4.6	8.9	12.7	20	33.2	37.2	46.6	53.4

(Page 7.)

Massachusetts. Minimum Wage Commission. Bulletin No. 13. Wages of Women in Men's Clothing and Raincoat Factories in Massachusetts. December, 1919.

A marked variation in the wages paid to workers in different establishments is shown by Table 4. The general level of wages was almost identical for the inside shops as a whole, and the contract shops as a whole. Variations between individual establishments in the same groups were conspicuous, but are difficult to explain either by differences in locality, in the kind and grade of goods made, or the size and type of organization of the shops. (Page 23.)

Massachusetts. Minimum Wage Commission. Bulletin No. 14. Wages of Women in Muslin Underwear, Petticoat, Apron, Kimono, Women's Neckwear and Children's Clothing Factories in Massachusetts. May, 1917.

The marked variation in the wages paid in individual underwear factories, which is shown by Table 12 appears to bear little relation to the kind and quality of goods produced. For example, in Establishment 1, which specializes in the manufacture of cheap and medium grade machine-made garments, 37.7 per cent. of the workers earned an average wage of less than $5 a week, and only 7.9 per cent. earned $9 or more, while in Establishment 5, which produced an almost exactly similar line of goods, only 9 per cent. earned an average weekly wage of less than $5, and 35.8 per cent. earned $9 or over. That the variation in the wage level in different establishments is not necessarily a result of a corresponding variation in the prevailing hours of labor is shown by the fact that in the only concern from which information regarding hours was obtainable (Establishment 1) the hours of labor were relatively long, while the wages paid were relatively low. (Page 32.)

Table 17 shows a great variation in the wages paid by individual firms. Establishments 1, 2, 3 and 4, which

produced silk garments, were found to pay in general higher wages than Establishments 5, 6 and 7, which produced garments of gingham, sateen or other cotton goods. There was also, however, a wide divergence in this respect between individual concerns making the same lines and situated in the same locality. In Establishment 3, for example, 85.2 per cent. of the women workers received an average weekly wage of $9 or more, while in Establishment 4, 83.3 per cent. received an average weekly wage of less than $9. Again, the proportion of workers earning under $7 a week varied from 1.6 per cent. in Estab lishment 3 to over 30 per cent. in Establishments 1, 2 and 4. All of these concerns are located within a half mile of each other in the city of Boston, and, as was stated above, make approximately the same style and quality of garments. (Page 33.)

There is also, however, a marked variation between establishments making the same lines of goods (aprons and kimonos) which cannot be accounted for by differences in locality, quality of product or labor supply. For example, in Establishment 2, 15.8 per cent. of the workers earned $9 or over, whereas in Establishment 4, which produced a similar line of garments, no workers earned as much as that amount. (Page 35.)

Massachusetts. Minimum Wage Commission. Bulletin No. 15. Wages of Women in Shirt, Workingmen's Garments and Furnishing Goods Factories in Massachusetts. December, 1917.

Especially to be noted are the tables which show the marked variation in the wages paid in different establishments engaged in the same lines of manufacture. (Page 45.)

Table 10.—Average Weekly Earnings: by Establishments Making Men's Shirts.

Establishments	Per cent. of Women Earning (Cumulative)—							
	Under $3	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and Over
No. 1	6.0	12.0	19.9	31.1	47.5	66.2	80.1	19.9
No. 2	2.6	7.7	20.5	41.0	55.8	73.1	84.6	15.4
No. 3	15.1	27.0	49.3	65.8	84.9	94.1	98.7	1.3
No. 4	1.0	10.2	16.3	28.6	46.9	61.2	75.5	24.5
No. 5	1.1	5.3	23.2	46.3	66.3	86.3	92.6	7.4
No. 6	1.4	8.2	30.1	46.6	74.0	86.3	97.3	2.7
Total	5.6	12.4	24.2	38.5	56.0	72.8	84.5	15.5

(Page 47.)

Table 13.—Average Weekly Earnings: by Establishments Making Overalls.

Establishments	Per cent. of Women Earning (Cumulative)—							
	Under $3	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and Over
No. 1	1.1	4.6	9.2	16.1	43.7	62.1	82.8	17.2
No. 2	13.3	31.7	71.7	86.7	95.0	98.3	98.3	1.7
No. 3	....	12.5	20.0	35.0	55.0	70.0	85.0	15.0
No. 4	....	....	10.0	30.0	56.7	80.0	86.7	13.3
No. 5	8.0	40.0	52.0	64.0	80.0	92.0	96.0	4.0
No. 6	....	5.0	10.0	20.0	50.0	65.0	80.0	20.0
Total	4.2	14.9	29.4	41.6	62.6	76.7	88.2	11.8

(Page 50.)

Massachusetts. Minimum Wage Commission. Bulletin No. 19. Wages of Women Employed in Canning and Preserving Establishments in Massachusetts. March, 1919.

Table 2 (b).—Weekly Rates: by Establishments (Cumulative).

[Based on pay-roll records for the period July, 1917-June, 1918.]

Fish Canning and Preserving Firms.

Establishments	Number and Per cent. of Women with Weekly Rates of—											
	Under $6		Under $7		Under $8		Under $9		Under $10		$10 and Over	
	Number	Per cent.	Number	Per cent.	Number	Per cent.	Number	Per cent.	Number	Per cent.	Number	Per cent.
No. 1	1	.7	18	12.2	31	21.1	74	50.3	138	93.9	9	6.1
No. 2	..	...	34	33.3	78	76.5	78	76.5	102	100.0	..	...
No. 3	1	6.3	7	43.8	8	50.0	10	62.5	16	100.0	..	...
No. 4	..	...	..	....	3	20.0	15	100.0	15	100.0	..	...
Total	2	.6	59	18.9	122	39.1	185	59.3	300	96.2	12	3.8

(Page 28.)

Preserve, Pickle, Vegetable, Sauce and Meat Canning Firms.

No. 12	..	...	11	12.0	46	50.0	81	88.0	88	95.7	4	4.3
No. 13	1	1.7	2	3.4	4	6.8	5	8.5	48	81.4	11	18.6
No. 14	..	...	..	...	11	24.5	43	95.6	44	97.8	1	2.2
No. 15	..	...	9	19.6	34	73.9	45	97.8	46	100.0	..	...
Total	1	.4	23	8.6	100	37.6	190	71.4	244	91.7	22	8.3
Total of all establishments	3	.5	82	14.2	222	38.4	375	64.9	544	94.1	34	5.9

NOTE—Of the 660 persons whose records were studied, data concerning rates were not available for 82 workers.

(Page 29.)

Massachusetts. Minimum Wage Commission. Bulletin No. 20. Report on the Wages of Women in the Millinery Industry in Massachusetts. May, 1919.

Table 2 (a).—Average Weekly Earnings: by Establishments (Cumulative).
Straw Hats.

Establishments	Per cent. of Women Earning—													
	Under $3	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	Under $13	Under $14	Under $15	$15 and Over
No. 1	.4	.8	1.5	4.9	10.9	17.0	24.2	31.7	44.5	53.1	64.9	73.6	82.6	17.5
No. 2	1.1	1.7	9.1	21.7	42.9	54.9	64.0	75.4	79.4	84.0	90.3	97.7	98.9	1.4
No. 3	...	2.3	7.0	15.8	23.4	31.6	39.2	47.4	58.1	64.3	71.9	80.7	86.5	13.1
No. 4	...	1.5	3.0	4.5	8.2	16.4	19.4	26.1	34.3	42.5	49.3	59.0	70.9	29.1
No. 5	.8	6.8	10.6	18.9	23.5	36.4	48.5	60.6	77.3	85.6	93.2	96.2	97.7	2.3
No. 6	...	...	...	3.2	9.7	12.9	19.4	29.0	32.3	48.4	54.8	71.0	77.4	22.6
No. 7	...	...	...	6.7	13.3	13.3	20.0	40.0	53.3	60.0	80.0	86.7	86.7	13.3
No. 8	...	...	...	...	...	...	13.3	26.7	53.3	60.0	73.3	73.3	80.0	20.0
Total	.5	2.1	5.3	11.8	20.4	28.9	36.7	45.9	56.2	64.6	72.7	80.6	86.7	13.3

(Page 35.)

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. Bulletin No. 22. Second Report on the Wages of Women Employed in Paper Box Factories. September, 1920.

Average Weekly Earnings: by Establishments.

The contrast between the wage situation in different factories is particularly striking (Table 2). In establishment No. 14, for example, nearly one-half of the women received $15 a week and over; while in establishment No. 12, none of the women earned as much as $15 a week. As such variations are found in factories having access to the same labor supply and manufacturing the same general type of goods, they necessarily imply a distinct difference in wage rates in the factories themselves. This is a condition found in practically every wage study made by the Commission, the variation between establishments in the same industry frequently being greater than that between different occupations.

Weekly Rates.

The piece rate system of payment prevails in the industry. Of the 1,054 women and girls for whom wage records were available, 68.5 per cent are piece rate workers. The majority of those on time rates are women employed on unskilled processes, and beginners who are generally paid on a weekly basis while learning. These facts should be kept in mind in connection with the figures on rates (Table 3). The same variation in the amounts received by the workers in the different establishments is shown as in the case of earnings. In establishment No. 5, for instance, over one-fifth of the women have rates of $15 and over; while in establishment No. 6, which has practically the same number and proportion of time rate workers, none are scheduled to receive as much as $15 a week. Of the 332 women paid on a time basis in the various establishments, three-fourths were scheduled to receive less than $12 a week for full-time employment, and over one-fourth less than $9 a week. (Pages 14-15.)

Table 2.—Average Weekly Earnings of 1,054 Women Employed in 16 Paper-Box Factories in Massachusetts: by Establishments (Cumulative).

(Based on pay-roll records for the period, October, 1918—January, 1919)

Establishments	Per cent. of Workers Earning—											
	Under $5	Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	Under $13	Under $14	Under $15	$15 and Over
No. 1	1.7	4.2	9.2	25.8	54.2	69.2	73.3	77.5	85.8	87.5	91.7	8.3
No. 2	2.8	2.8	4.6	12.0	20.4	27.8	38.0	46.3	57.4	64.8	77.8	22.2
No. 3	....	.9	18.9	37.7	50.9	60.4	74.5	84.9	89.6	96.2	98.1	1.9
No. 4	....	....	....	4.9	7.8	12.7	37.3	50.0	68.6	78.4	86.3	13.7
No. 5	2.0	5.0	9.0	18.0	28.0	33.0	39.0	48.0	62.0	73.0	85.0	15.0
No. 6	10.0	20.0	37.5	50.0	61.3	76.3	81.3	87.5	90.0	93.8	97.5	2.5
No. 7	37.7	44.2	46.8	53.2	67.5	77.9	89.6	92.2	96.1	98.7	98.7	1.3
No. 8	....	2.6	5.2	10.4	16.9	23.6	50.6	62.3	70.1	74.0	80.5	19.5
No. 9	2.7	2.7	13.3	25.3	34.7	38.0	40.7	58.7	69.3	78.7	84.0	16.0
No. 10	6.8	18.2	27.3	45.5	63.6	75.0	79.5	86.4	86.4	88.6	95.5	4.5
No. 11	....	....	2.5	12.5	27.5	45.0	55.0	75.0	92.5	95.0	97.5	2.5
No. 12	9.1	18.2	42.4	57.6	69.7	78.8	90.9	97.0	97.0	100.0	100.0	....
No. 13	6.1	6.1	15.2	36.4	48.5	60.6	69.7	75.8	81.8	90.9	97.0	3.0
No. 14	4.3	4.3	4.3	4.3	4.3	8.7	8.7	13.0	26.1	39.1	52.2	47.8
No. 15	4.8	23.8	38.1	47.6	57.1	76.2	76.2	85.7	90.5	95.2	95.2	4.8
No. 16	....	....	....	13.3	20.0	20.0	33.3	53.3	73.3	80.0	86.7	13.3
Total	5.3	8.5	15.7	26.9	39.0	48.5	59.4	68.2	77.2	83.3	89.3	10.7

(Page 22.)

Table 3.—Weekly Rates of 322 Women Employed in 14 Paper-Box Factories in Massachusetts: by Establishments (Cumulative).

(Based on pay-roll records for the period, October, 1918—January, 1919.)

Establishments	Per cent. of Workers with Weekly Rates of—											
	Under $5	Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	Under $13	Under $14	Under $15	$15 and Over
No. 2	....	....	....	....	8.0	24.0	72.0	72.0	92.0	92.0	92.0	8.0
No. 3	....	....	....	31.1	64.4	71.1	80.0	97.8	100.0	100.0	100.0	....
No. 4	....	....	....	....	....	....	....	....	20.0	20.0	40.0	60.0
No. 5	....	....	....	14.3	26.2	47.6	47.6	54.8	59.5	71.4	78.6	21.4
No. 6	....	....	....	....	34.1	80.5	90.2	90.2	95.1	100.0	100.0	....
No. 7	....	....	....	5.0	10.0	15.0	85.0	95.0	95.0	95.0	95.0	5.0
No. 8	....	....	....	....	....	....	25.8	38.7	90.3	93.5	96.8	3.2
No. 9	....	....	....	16.7	58.3	58.3	58.3	58.3	66.7	66.7	66.7	33.3
No. 10	....	....	....	....	39.3	71.4	92.9	96.4	96.4	100.0	100.0	....
No. 11	....	....	....	....	4.8	4.8	66.7	66.7	66.7	100.0	100.0	....
No. 12	....	....	....	4.0	36.0	72.0	76.0	84.0	96.0	100.0	100.0	....
No. 13	....	....	20.0	20.0	33.3	40.0	80.0	93.3	93.3	93.3	100.0	....
No. 15	....	....	....	50.0	50.0	80.0	80.0	80.0	90.0	100.0	100.0	....
No. 16	....	....	....	....	....	16.7	25.0	25.0	33.3	58.3	83.3	16.7
Total	....	....	9.0	9.6	26.9	47.0	67.8	74.4	84.3	90.9	93.7	6.3

(Page 23.)

U. S. Department of Labor. Women in Industry Service. Bulletin No. 4. Wages of Candy Makers in Philadelphia in 1919. 1919.

Wages in the candy industry are not standardized. The workers are unorganized and there is no definite and universally accepted method of determining rates. This lack of standardization is shown in the great divergence in the pay rolls of the factories investigated. (Page 19.)

Table 8.—Median Weekly Earnings of Women Workers (Not Including Forewomen) Employed During One Weekly Pay-Roll Period in 1919, by Establishment.

Establishment	Number of women workers	Median weekly earnings
No. 1	483	$10.32
No. 2	91	9.90
No. 3	124	12.86
No. 4	84	12.03
No. 5	99	9.81
No. 6	74	9.25
No. 7	51	7.41
No. 9	41	9.73
No. 10	37	9.03
No. 11	27	8.90
No. 12	27	8.90
No. 13	23	10.18
No. 14	24	12.70
No. 15	18	10.85
No. 16	9	11.50
No. 17	8	10.50
No. 18	7	9.50
No. 19	7	12.25
No. 20	3	15.50
Total	1,237	$9.76

The median earnings varied from $7.41 to $15.50. It is natural that in a small plant like No. 20, where there is less specialization and, therefore, less opportunity for mere repetitive processes the lower paid groups should not be represented. If, for example, only three workers are employed and two are dippers at $16 each, the median earnings will be much higher than in another establishment so large as to justify a separate group of packers earning approximately $9 a week. Firms Nos. 2, 7 and 10 had no dippers on their pay rolls. In establishment No. 6 at the time of the investigation the workers were on part time. But it is significant to

note that in the larger plants, employing 50 or more, the median earnings vary from $7.41 to $12.86. It is doubtful whether there is enough variation in the scale of processes in these different plants to warrant such diversity in earnings. Greater standardization would undoubtedly be advantageous both for workers and employers. (Page 20.)

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. Bulletin No. 23. Report on the Wages of Women Employed in the Manufacture of Food Preparations and Minor Lines of Confectionery. November, 1920.

Conspicuous variation is shown in the earnings of women in different establishments within each branch. In the food preparation branch, establishment No. 8 has more than one-half (56.2 per cent) of the women receiving $15 or over a week, and only 6.3 per cent receiving less than $9 a week. On the other hand, in establishment No. 10 all of the women received less than $9 a week, and more than one-half less than $6. An analogous situation exists in minor confectionery firms. In establishment No. 5, for example, none of the women were receiving under $10 a week, and one-fifth (22.2 per cent) were receiving $15 or over a week. In establishment No. 3 one-third (31.8 per cent) of the women received less than $6 a week, and nine-tenths (91.0 per cent) less than $10.

As the earnings of adult women, that is, women 18 years of age or over, show almost as marked variations in the different establishments as exists between the earnings of all female employees, the question of age as a factor in producing the variation is largely eliminated (Table 2 (*a*) and (*b*)). (Page 12.)

Table 1.—Average Weekly Earnings of 314 Women Employed in 11 Establishments engaged in the Manufacture of Minor Confectionery Products, and of 287 Women Employed in 24 Establishments Engaged in the Manufacture of Food Preparations, in Massachusetts: by Establishments (Cumulative).

(a) Minor Confectionery.

(Based on pay-roll records for the period June through September, 1919)

Establishments	Per cent. of Workers Earning—											
	Under $5	Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	Under $13	Under $14	Under $15	$15 and over
No. 1	3.2	13.9	20.9	33.2	51.3	61.5	73.8	79.7	90.9	95.2	95.7	4.3
No. 2	....	1.6	6.5	19.4	43.5	56.5	71.0	85.5	90.3	98.4	98.4	1.6
No. 3	22.7	31.8	50.0	59.1	86.4	91.0	100.0	100.0	100.0	100.0	100.0	....
No. 4	....	....	....	....	14.3	50.0	100.0	100.0	100.0	100.0	100.0	....
No. 5	....	....	....	....	....	....	22.2	44.4	44.4	66.7	77.8	22.2
No. 6	....	....	....	....	....	14.3	57.1	85.7	85.7	100.0	100.0	....
No. 7	28.6	71.4	71.4	85.7	85.7	85.7	85.7	85.7	85.7	85.7	100.0	....
No. 8	....	....	....	33.3	100.0	100.0	100.0	100.0	100.0	100.0	100.0	....
No. 9	....	....	....	....	....	100.0	100.0	100.0	100.0	100.0	100.0	....
No. 10	....	....	....	....	....	....	....	100.0	100.0	100.0	100.0	....
No. 11	....	....	....	....	....	....	....	....	....	....	....	100.0
Total	4.1	12.4	18.8	29.9	48.7	59.9	74.5	82.5	90.1	95.2	96.2	3.8

(Page 15.)

(b) Food Preparations.

(Based on pay-roll records for the period July through October, 1919)

Establishments	Per cent. of Workers Earning—											
	Under $5	Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	Under $13	Under $14	Under $15	$15 and over
No. 1	....	....	....	....	....	1.8	7.3	18.2	30.9	63.6	76.4	23.6
No. 2	6.5	8.7	21.7	50.0	69.6	78.3	84.8	87.0	91.3	93.5	93.5	6.5
No. 3	....	4.8	4.8	4.8	9.5	19.0	38.1	61.9	95.2	100.0	100.0	....
No. 4	....	....	5.6	5.6	22.2	38.9	44.4	61.1	72.2	83.3	83.3	16.7
No. 5	....	....	....	....	11.8	23.5	41.2	58.8	70.6	88.2	94.1	5.9
No. 6	6.3	6.3	31.3	43.8	75.0	87.5	87.5	93.8	93.8	100.0	100.0	....
No. 7	....	12.5	25.0	25.0	25.0	37.5	62.5	68.8	75.0	93.8	100.0	....
No. 8	....	....	....	....	6.3	12.5	18.8	25.0	31.3	37.5	43.8	56.2
No. 9	....	....	....	....	....	....	9.1	45.5	90.9	90.9	90.9	9.1
No. 10	36.4	54.5	72.7	90.9	100.0	100.0	100.0	100.0	100.0	100.0	100.0	....
No. 11	....	....	11.1	44.4	88.9	88.9	100.0	100.0	100.0	100.0	100.0	....
No. 12	....	....	....	....	....	12.5	37.5	87.5	87.5	100.0	100.0	....
No. 13	....	....	25.0	25.0	37.5	50.0	62.5	75.0	100.0	100.0	100.0	....
No. 14	....	....	....	....	....	....	14.3	85.7	100.0	100.0	100.0	....
No. 15	....	....	....	....	....	16.7	33.3	50.0	66.7	66.7	83.3	16.7
No. 16	20.0	40.0	80.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	....
No. 17	....	....	....	50.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	....
No. 18	....	....	....	....	25.0	50.0	75.0	100.0	100.0	100.0	100.0	....
No. 19	....	....	....	....	....	33.3	100.0	100.0	100.0	100.0	100.0	....
No. 20	....	....	....	....	....	....	....	....	100.0	100.0	100.0	....
No. 21	....	....	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	....
No. 22	....	....	....	....	....	....	....	....	....	....	....	100.0
No. 23	....	....	....	....	....	100.0	100.0	100.0	100.0	100.0	100.0	....
No. 24	....	....	....	....	....	....	....	....	100.0	100.0	100.0	....
Total	3.1	5.6	12.9	20.9	31.4	39.4	49.5	62.4	74.2	85.0	88.9	11.1
Total of all establishments	3.7	9.1	16.0	25.6	40.4	50.1	62.6	72.9	82.5	90.3	92.7	7.3

(Page 16-17.)

Canada.

Province of British Columbia. Department of Labour. Annual Report for the Year Ending December 31, 1919.

Minimum wage legislation affects beneficially not only employees but employers, and this along lines not always foreseen. "Every employer who desires to be fair to his employees now knows that he is not being taken advantage of by a less competent or more greedy competitor who attempts to undersell him by forcing down the pay of employees." (M. B. Hammond, member of Industrial Commission of Ohio.) (Page 85.)

4. An Influence Toward Industrial Peace Created.

It is not possible to measure quantitatively the value of such legislation in better relations between employers and employees. But spontaneous expressions of the better feeling engendered by wage board conferences and the payment of a living wage persuasively demonstrate that at least an influence has been created toward industrial peace.

The British testimony is remarkable. In many trades strikes have given place to mutual understanding.

United States. House of Representatives. Sixty-Fifth Congress. Second Session. Hearings before the Subcommittee of the Committee on the District of Columbia on H. R. 10367. Providing for the Establishment of a Minimum Wage Scale in the District of Columbia for Women and Children. April 16, 1918.

Statement of Miss Julia O'Connor, President Massachusetts Telephone Operators' Union, Member of the Women's Trade-Union League and of the Brush Makers' Wage Board and the Retail Store Wage Board of Massachusetts.

[In answer to the question: Did you find as a result of these conferences between the representatives of the employees and the employers that the two sides came into more harmonious relations?]

Miss O'Connor: Absolutely, sir.

(Pages 38-39.)

California. Industrial Welfare Commission. Third Biennial Report. 1917-1918.

Wage boards have been held in the canning, mercantile, and laundry industries, and their recommendations proved valuable aids in the subsequent issuance of the commission's rulings.

It is not required of the commission to hold wage boards before issuing its orders; but it is the policy of the commission to avail itself of the expert counsel of those experienced in an industry whenever feasible.

The wage board may be defined as a joint conference of employers, employees and a representative of the commission. It provides a common meeting ground to employer and employee for the discussion of their interests. Since both are serving the state while serving the board the weight of personal demands is counterbalanced by a sense of responsibility to the public. By thus implanting mutual understanding, the wage boards advance industrial peace. (Page 17.)

Massachusetts. Minimum Wage Commission. Sixth Annual Report. November 30, 1918.

There is a growing appreciation among employers of the beneficial results in the industrial situation of this State of the work of the Commission when it receives due co-operation. (Page 40.)

Massachusetts. Minimum Wage Commission. Seventh Annual Report. November 30, 1919.

The results of wage board activities during the year just ended are of interest for several reasons. With the single exception of the Corset Wage Board, all the boards have submitted unanimous reports; and in this particular instance only one vote was lacking to secure the same result. In distinction from the precedent set by a majority of the former boards, all of those reporting this year have recommended a minimum rate which would meet the cost of living as they determined it.* The rates recommended are higher than those fixed the previous year, and considerably above any in effect in 1918. The average of the four sets of deter-

* [Minimum wage law ch. 706, Sec. 5, 1912. Each wage board shall take into consideration the needs of the employees, the financial condition of the occupation, and the probable effect thereon of any increase in the minimum wages paid, etc.]

minations reported in 1919 is approximately $13. The determinations of the Men's Clothing and Raincoat Wage Board, fixing a $15 minimum, represent the highest rate provided by any minimum wage decree in this State. (Pages 34-35.)

The conduct of wage boards, it is true, presents extremely difficult problems. The standards of the various boards differ greatly, and the action of individual boards is sometimes disappointing. Notwithstanding these limitations, the work is of distinct educational and social value. In addition to their concrete purpose of improving wage conditions for women and girls and in removing unfair competition within an industry, the wage boards contribute, although on a small scale, towards a solution of some of the serious industrial problems of to-day. In so far as they succeed in bringing together groups with conflicting views, and inducing them to recognize the community of their interest and their mutual obligation to the Commonwealth, in so far as they succeed in replacing prejudice with understanding, suspicion with confidence and respect, they are helping to remove some of the underlying causes of industrial unrest. It is through the recognition and conscious development of this service that the fullest possibilities of the wage boards can be realized. (Page 60.)

Minimum Wage Laws Are Good Business. Extracts from Letters by Employers Operating Under a Legal Minimum Wage. National Consumers' League, New York, October, 1920.

Labor Conditions Stabilized.

David J. Goldberg, Executive Director, Boston Dress and Waist Manufacturers' Association, Boston, Mass. May 15, 1920.

"It is my belief that a minimum wage properly arrived at and duly enforced works to the benefit not only of the employee but of the employer and the State as well. A proper minimum standard insures to a self-

supporting woman at least such a wage as shall enable her to maintain herself in respectability and good health. It places on industry the just obligation of supporting its own workers and affords to the liberal and broad-minded employer protection against unjust competition on the part of those who would underpay their labor regardless of any standards."

"An adequate minimum wage makes for a more contented labor body, for there is nothing more conducive to unrest or agitation than an inability to earn a decent living without sacrifice of principle, character or health. The State by providing such minimum wage fulfills one of the functions of government which is to give to its people every means and opportunity for right living and growth."

Luther C. White, Employment Manager, Clothing Manufacturers' Association of Boston, Mass. February 1, 1920.

"In short, I believe that a reasonable minimum makes for stability in labour conditions—the main thing we need today."

E. L. Thompson, Treas., Portland Woolen Mills, Portland, Ore. December 3, 1919.

"The fact is it has had a settling effect in business."

A. N. McDole, McCusick-Towle & Co., Manufacturing Confectioners, Minneapolis, Minn. February 6, 1920.

"Better wages have had a tendency to cut down labor turn-over, and that statement alone would justify this sort of legislation to a very large extent."

Great Britain.

Great Britain. Report to the Minister of Labour of the Committee Appointed to Enquire into the Working and Effects of the Trade Boards Acts. London. April, 1922.

46. We are also satisfied that the operation of the system has contributed on the whole to the improvement of industrial relations; and this effect is especially marked in the case of the trades to which the Act of 1909 was applied and which have had the longest experience of the working of the system. It has been stated that in a number of trades, where previously no machinery for joint negotiation of any kind existed, an atmosphere of suspicion and distrust separated employers and work-people and sporadic local disputes were frequent. The working of the Trade Board machinery by bringing the two sides together to discuss wages questions "round a table" has, in most cases, enabled each side to understand something of the other's point of view, and so has contributed to the growth of more satisfactory relations between the two sides and has tended to prevent the occurrence of industrial disputes. (Page 23.)

Great Britain. Committee of Enquiry into the Working and Effects of the Trade Boards Acts. Minutes of Evidence. 1922.

Statement of Mr. Humbert Wolfe, C.B.E., Principal Assistant Secretary Ministry of Labour in charge of the Trade Boards Branch. October 12, 1921.

The actual achievements of the Boards in respect of the improvement in industrial relations in the trades to which the Acts have been applied. (Page 34.)

610. . . . It is true roughly speaking, that there have been hardly any trade disputes of any kind in the Trade Boards trades. It is not completely true: there

have been one or two, but of course it is fair to say that the trades were unorganized, and you are much less likely to have serious trade disputes in unorganized trades, not because Trade Unions cause trouble, but because, when you have got an organized trade you can get a broader basis for determining your view. But apart from that, it is very noticeable that in Trade Boards trades interruption of work has been very small indeed in any of them throughout, and I think that it is a very noticeable thing, and a fact which should be borne in mind in estimating the value of Trade Boards as an instrument in dealing with industry at all.

611. That is so even in those which have become more organized as time has gone on?—Yes, it applies throughout. There must have been occasions—I have not got that noted—where actual disputes have occurred, but they have been very few and far between.

612. *Mr. Poulton*: So that it has had the effect, not only of setting up a standard of wages, but also the effect of steadying the industry from the standpoint of an employer not having his business upset?—We think so, certainly. . . . Certainly the general spirit seems to have improved steadily since the Trade Boards have existed.

618. *Lord Weir*: The real truth is that they have removed wages from the field of trouble?—That is really what it comes to.

619. You have still all the other causes of industrial trouble?—Yes.

620. Or do you suggest that even in connection with them the Trade Boards spirit—the atmosphere—improves them?—I do not want to be cynical, but I think that if you can settle the wages trouble in a trade, you have gone a long way to make it happy.

621. *Mr. Pugh*: [I am in steel. (Page 9).] That is consistent with our experience. (Page 39.)

Statement of Mr. W. H. Stoker, K.C., formerly Attorney General and then Judge of the Supreme Court in the Colonial Service, in 1915 Chairman of the General Munitions Tribunals, from 1916 to 1920 Arbitrator and Chairman of Arbitration Boards and Courts, Chairman of the Corset, the Fur, and the Made-Up Textiles Trade Boards. January 25, 1922.

10. I think that the working of Trade Boards improves the relation between employers and workers. Some employers, even in these advanced days of trade unions, object to and resent the intrusion of trade union officials into their relations with their workers. But their association under a scheme of meeting, to which they have been parties, and upon which they have been consulted in regard to its establishment, and in the presence of neutral persons, is quite a different thing. So far as my experience goes on the Boards of which I am an appointed member, the relations of employers and employed, so far at all events as their representatives are concerned, appear to improve at every meeting. This cannot but influence and reflect on employers and workers generally in the trade, and employers find that the Trade Boards protect them from unfair competition. (Page 771.)

Statement of Mr. Artemus Jones, K.C., Chairman of the Pressed Metal Wares, the Button, the Pin, Hook and Snap Fastener, and the Perambulator and Invalid Carriage Boards. February 1, 1922.

At the date of my appointment, in April, 1921, the abnormal trade depression, which began to set in at the end of 1920, was producing its full effect. All the rates had been fixed during the chairmanship of my predecessor, Mr. Jeeves, K.C., and throughout the whole of my time the chief controversy at the meetings has turned upon proposals brought forward by the employers for reduction in the rates of wages previously fixed. These reductions have invariably been carried by the votes of

the appointed members. Short as my experience of the system has been, it has been wide enough to enable me to see its machinery working under the most adverse conditions. No one in the Parliament of 1918 foresaw either the extent or the intensity of the present trade slump, so that the machinery of the Trade Board system has been subjected to a more severe strain than its framers ever contemplated. The defects of the machinery as disclosed in its working since 1919 are accepted on both sides, and the statutory changes necessary for the removal of these defects are not in dispute.

When the proposed reduction comes before the Board, the discussion pursues a course invariably the same. On the employers' side emphasis is laid on four points:—(1) the slump in trade; (2) the competition created in neutral markets by reason of depreciated exchanges in Mid-Europe; (3) the allegation that the workers themselves, appreciating the abnormal state of trade, would be content to accept reduced wages if left to themselves without the intervention of the Board; (4) the impossibility of paying existing wages without closing down the works. The points urged by the workers are likewise the same:—(1) the high cost of living; (2) the inability of the employers during the slump to guarantee full employment even were the reduction agreed to; (3) the inadequacy of the proposed reduction to meet the terrible drop in the depreciated exchanges; (4) the impossibility of living in reasonable comfort if the wages are further reduced. . . . Sometimes the employers have been content with a smaller reduction than they asked for, and now and again the workers do not vote against it. On other occasions the appointed members have had to discharge the disagreeable task of voting in favour of reducing the workmen's wages. (Page 785.)

(5) The effect of the Trade Board system on the relations between employer and the workman is beneficial on the whole. It varies in degree on different Boards. At one extreme stands the Perambulator and Invalid Carriage Board, which, meeting in London, embraces

employers and workers drawn from various parts of the country. Here the utmost cordiality prevails between the two sides, and most of the employers regard the system as a legitimate form of protection to the worker against the undesirable type of employer, and both sides are at one in the desire that the provisions of the Act should be fearlessly enforced. When, by reason of the slump in trade, the rates of wages had to be reduced I experienced little or no difficulty in negotiating between the parties. Indeed, it is only fair to say that I was deeply impressed with the common sense and the reasonableness which animated the workers in trying to meet the employers. Where a deadlock occurs the only implement left to the negotiator is an appeal to the sense of fair play and to the reasonableness of temper which, according to my experience, are inherent in both employer and workman alike. The task of finding some accommodation between the two extremes is diminished or increased according to the general attitude of the employers towards the Trade Board system.

The three other Boards of which I am Chairman meet in Birmingham, where the attitude of the employers is by no means friendly to the sort of legislation which is embodied in the Trade Boards Act. This is particularly the case with regard to the Pin, Hook and Snap Fasteners Board. This hostility rests upon more than one ground. It is founded mainly upon the opinion held almost universally among employers before the system was introduced, that the State has no right to interfere in any matter of bargaining between one man and another. Approaching the subject from this standpoint, they look upon the State regulation of wages as a mischievous interference with the freedom of exchange, and ignore the economic theory which treats this view as a fallacy. They feel also very strongly that the practical difficulties in the way of applying the machinery of the system to the actual conditions of the trade were not taken into consideration when the Act of 1918 was passed. The Act may or may not have been in advance of public opinion, but it was not preceded by any preliminary dis-

cussion or controversy so as to prepare the minds of employers for what was undoubtedly an innovation. There was, of course, the preliminary enquiry which is held under the statute before the Trade Board is established, but I cannot help feeling that had public opinion among Birmingham employers been rendered more familiar with the policy upon which the Acts are based the misconceptions which exist to the prejudice of the system might have been avoided. There is also widespread misgiving among some of the employers lest the Trade Board system, tending as it does to strengthen the organisation of labour, may lead, at a period of unexampled trade depression, to trade aggression. On the Button Trade Board and the Pressed Metal Wares Trade Board the hostility of the employers towards the system is not so pronounced. Taken collectively, nearly all the employers have worked the Act with loyalty, notwithstanding the political objection of some of them to the system. When the abnormal character of the existing trade conditions has ceased Trade Boards must, in my opinion, prove of increased advantage to both employers and workmen. The discussions enable them to understand and appreciate one another's point of view—the worker comes to realize the risks and anxieties which industrial enterprise involves, and the employers to understand and sympathise with the natural desire of the worker to reach a reasonably good standard of comfort for himself and his family. The great merit of the system as it exists is that it tends to humanize as well as to harmonize the relations between employer and workman. Its potential value lies in the fact that it supplies the foundation upon which the State can, if it chooses, build up some code or system of general principles for the settlement of disputes arising from industrial relationship. Just as modern industrialism increases steadily in its complexity, so do the economic problems to which it gives rise become more and more numerous. These problems can only be solved in one of two ways—either by an appeal to force, which means strikes and lock-outs, or by an appeal to reason and justice, which means some

system of conciliation of which Trade Boards are an example. (Pages 787-788.)

Statement of Sir Alfred Hopkinson, K.C., Chairman of the Aerated Waters, the Cotton Waste, and formerly of the Laundry Trade Boards, January 25, 1922.

10,650. *Lord Cave*: . . . . You say at the end that the influence of Trade Boards on the whole has been good?—I think so. I think the people get together, some of the trade union workers and some of the employers, and they see at once that they are both really out for doing the best they can for the workpeople; and I think both sides see that they are doing their best; and I think that a third party coming in sometimes does help in that way. (Page 768.)

Statement of Professor J. B. Baillie, C.B.E., Chairman of the Jute, of the Flax and Hemp, of the Aerated Waters (Scotland), of the Linen and Cotton Handkerchief and Piece Goods Trade Boards. February 8, 1922.

Whether a Board is established against the strong disinclination of one side, or whether the employers and workers in a trade have long been in open or secret hostility to one another, the effect of the institution of a Board has been, on the whole, in my experience, beneficial to the two sides. I have known the two sides of a Board begin operations in sheer conflict and after a time enter into satisfactory co-operation. Undoubtedly distrust and suspicion generated by long standing antagonism of interests, for which one side is sometimes more responsible than the other, form the main difficulty in the way of industrial co-operation. Open discussion at a Board in the presence of disinterested and independent persons appointed by the Minister, generally enables each side to appreciate the merits and to tolerate the defects of the other, and to cultivate a relatively im-

partial attitude on matters of vital concern to each side. The Appointed Members are also able, directly or indirectly, to tone down exaggerations, restrain incipient bitterness and interpret each side to the other in a manner which facilitates the cultivation of good feeling. All this forms part of the development of the sense of industrial partnership, which is one of the main objects of the existence of Trade Boards. Even where the result is only a very partial success as yet, it is at least a beginning of a better understanding, and more than could be accomplished if the two sides were left to independent action under the influence of long standing prejudices and unforgotten grievances.

With some Boards the success attained in this direction is greater than in others. It would not be too much to say that the entire success of Trade Boards depends on the personnel of the Board. Some people are capable of team work; others, both employers and workers, are incapable. Some see their advantage in removing hostility; others will cultivate hostility at the expense of their advantage. These matters are quite incalculable. Too much stress, therefore, cannot be laid on the importance of carefully choosing, as representatives of each side, persons who will be able and willing to work for the success of a Board and not for its failure.

There is no doubt that the effect of a Trade Board is to give the workers a degree of orderly control and direction in the affairs of their trade which they would not otherwise possess, and which, I think, they, on the whole appreciate. Only time will show whether they can take the full measure of their responsibilities and opportunities. (Pages 844-845.)

Statement of Professor F. Tillyard, Professor of Commercial Law at the Birmingham University, Chairman of the Birmingham Court of Referees. Chairman of Lace Finishing, of Coffin Furniture, of Chain, of Hollow-ware, and of Tin Box Trade Boards and member of the Tailoring Trade Board. February 15, 1922.

12,538. *Lord Cave:* Then on the general question you think that anything which brings employers and employed together round a table is a good thing?—Yes. I think there is a great deal more suspicion on both sides than is justified by the actual facts, and when people meet, suspicions evaporate.

12,539. They find that other people are not so black as they are painted?—I think so. (Page 899.)

Statement of Mr. W. A. J. Pitman, Chairman of the Shirt, Collar and Tie Manufacturers' Federation, and employers' represenative on the Shirtmaking Trade Board since its establishment in August 1913. December 6, 1921.

The witness handed in as his evidence-in-chief a statement in agreement with that handed in by the witness of the Wholesale Clothing Manufacturers' Federation, Mr. D. Little.

4349. *Lord Cave:* You say you have noted the agitation in certain quarters against Trade Boards. What is your view, founded on your experience?—With reference to the Boards?

4350. Yes.—That the general result in our trade of the actual Trade Boards has been one of considerable benefit both to the workers and to the employers. It has brought about a much better feeling amongst the employers generally; they have got to know each other in another way than as just competitors, and it has also brought out the workers' side of many questions that before was not considered by employers as a body, and

that the general result has been one of considerable benefit, I think, to the trade generally.

Statement of Mr. David Little, past chairman of the Wholesale Clothing Manufacturers' Federation and employers' representative since July 1910 on the Tailoring Trade Board and its successor, the Ready-Made and Wholesale Bespoke Tailoring Trade Board. December 6, 1921.

. . . . when the Trade Board was first formed there was naturally a feeling of suspicion of one another on both sides of the Board, and particularly seeing that Trade Boards at that time were purely experimental. For some considerable time the two sides kept much apart from one another, but for the last five or six years there has been a very close relationship between the two sides. It is suggested that perhaps one cause of bringing this position about was the meetings of the Administrative Committees. At these meetings all permits and questions of scope and other matters relating to the trade were discussed together in a very friendly manner, with the result that both sides recognised the views and interests of one another and so created a mutual and helpful spirit. . . . (Pages 311-312.)

Statement by Mr. Foster G. Robinson, (employers' representative on the Paper Bag Trade Board since it was established in May, 1919) on behalf of the United Kingdom Paper Bag Manufacturers' Association.

There is no doubt that the fact of the meetings of the Trade Board from time to time and particularly the Administrative Committee, have been to improve the relationship between employer and employed. At the Administrative Committee meetings all permits and questions of scope and other matters relating to the trade were discussed together in a very friendly manner with the result that both sides recognized the views and interests of one another and so created a mutual and help-

ful spirit. There is no doubt that this friendly co-operation has had the effect of preventing trade disputes, it being the fact that since the Board was formed no disputes of any consequence have occurred. (Page 993.)

Statement of Evidence submitted on behalf of the Wholesale Mantle and Costume Manufacturers' Federation of Great Britain.

Industry in Its Infancy.

Previous to the setting up of the Trade Board wages varied in different areas, particularly as this was a new and growing industry with sure and certain possibilities of still greater development in the future if trade disputes can be avoided. . . . .

Trade Board Avoidance of Disputes.

The Trade Board has thus far in this trade ensured the avoidance of any strike since it was set up, due to the following causes:—

(1) Meeting for the first time leaders of the Trade Unions.

(2) "Getting together," consequently gaining confidence in each other with a mutual anxiety for a "square deal."

(3) When difficulties have arisen during Trade Board meetings a way has been found to avoid stoppage of works by negotiation.

(4) The experience has not been a lengthy one, but in other and kindred industries (as for instance the Ready-Made and Bespoke Tailoring), largely through the Trade Board, strikes and disputes have been avoided even during the late war.

Future.

The future outlook of the wholesale differs from other branches of the trade because:—

. . . .

(3) The avoidance of trade disputes in this young and growing industry is necessary to ensure its development.

(4) Thus far this Trade Board has been the only alternative to a go-as-you-please policy. (Page 999.)

Scottish Co-operative Wholesale Society, Ltd., Glasgow.
Evidence of Mr. A. S. Huggan.

I have been a member, on the Employers' side, of the Grocery Trade Board for Scotland, since it was formed in the early part of last year.

There have been differences of opinion between the sides constituting the Board, but there has been an atmosphere of goodwill, and a real desire to reach a satisfactory settlement at all our meetings, which augurs well for the success of the Trade Board system.

I think the object of the Trade Boards in seeking to secure and maintain industrial harmony is likely to be attained. The fact that representative men and women from the employer and employed classes are meeting together periodically, and exchanging views on matters of paramount interest to both, is likely to clear away differences before they become acute, and reach a state when they would be more difficult to settle.

I have no fault to find with the constitution of the Trade Board with which I am connected. While its numbers are large, they could not very well be much less, if the various interests of the trade concerned are to find adequate expression. The appointed members, and particularly the Chairman, have rendered good service in exercising a moderating influence when widely divergent views are expressed. Nearly all our findings were unanimous, and only in one or two instances was a vote necessary.

Co-operative Wholesale Society, Limited, Manchester.
Evidence of Mr. J. E. Johns.

Given a fair amount of goodwill on the part of the members of a Board, there is in fact still less likelihood of dislocations of labour, and, personally, we find from experience that the mere fact of the meeting together of representatives of employers and workers assists both sides materially in understanding and appreciating each others difficulties; consequently matters are not pushed to so extreme a point as when both sides meet under different auspices or strange conditions. The value, therefore, of the goodwill engendered under the Trade Boards cannot be overestimated.

In regard to the statement that the establishment of Trade Boards has resulted, or will result, in more unemployment, we have found no adequate proof of this in respect of industries governed by the Boards, and believe the charge to be one most frequently made by persons without knowledge and experience of the active working of a Trade Board, and, we fear, by those who are out for the destruction of the system.

Again, in respect of the question of unemployment it has been said that the fixing of minimum rates causes slow and inefficient workers to be discharged. We agree that it is possible this may happen in a small number of cases, but, on the other hand, we consider there is a far greater danger in allowing the man who holds the purse strings to say whether a worker is inefficient or slow.

There is, indeed, grave danger here of unscrupulous employers exploiting the deficiencies of these workers and using it as a means to keep wages down. The only reason for employing deficient workers (except in a few cases of charitable intent) is that their labour, however deficient it may be, is profitable to the employer. Few employers would retain it if it were not. However, we do not believe that the fixing of a living wage under Trade Boards has resulted, or need result, in the dismissal of numbers of inefficient workers. Rather do we incline to the view that a living wage will tend towards greater

efficiency if for no other reason than that the employer will concern himself more with obtaining efficiency after the enforcement of a legal minimum than he did before. (Pages 337-338.)

It is not on account of the fact that the fixing of Trade Boards rates has had little effect upon our societies that we are strongly in favour of them; it is upon the broad grounds of their humanity and goodwill; their capacity for improving the relations between employer and employed, and their influence towards the progressive ideals of mankind. We can see no safer ground, no surer hope for a better understanding between capital and labour at the moment than in the provision of a common meeting ground such as these Boards assure. The employer saved from undercutting in wages, wants a better appreciation of his difficulties, the worker a better understanding of his social, educational, and recreative needs; what greater hope have we in any legislation at the present time for the crying need of industrial harmony than in these Acts? (Pages 337-338.)

Summary of Mr. J. J. Mallon in behalf of the Trade Boards Advisory Council of the General Council of Trade Union Congress and member of thirteen Trade Boards. February 8, 1922.

Conclusions.

In considering the Trade Board system as a whole, the Advisory Council submit that its utility has been abundantly proved not merely to the workers concerned, but to the trades concerned as a whole, and to the community. The Council consider that the recent attack on the system arises not from any serious defect in the main provisions of the Acts, but rather as a result of the abnormal trade depression of the present year.

In this connection they would draw the attention of the Committee to the Majority Report of the Trade Boards Administration Committee, in which representa-

tive employers, workers and Appointed Members expressed the following opinion:—

> "That Trade Boards have been a potent means for securing and maintaining industrial harmony in the trades for which they have been established. It will be recalled that the establishment of Trade Boards in trades which were insufficiently organised to establish a Joint Industrial Council was recommended by the 'Whitley Committee' as a means of improving relations between employers and employed, and that the National Industrial Council of 1919 advocated the immediate establishment of Trade Boards in the less well organised trades. We consider that the almost entire absence of industrial unrest in trades covered by Trade Boards, even in the difficult periods during and after the war, of extreme and rapid fluctuations of money values, is a great tribute to the power of a Trade Board to settle rates of wages on a firm basis. It is significant that during the last few days both the Wholesale Mantle and Costume Trade Board (Great Britain) and the Dressmaking and Women's Light Clothing Trade Board (England and Wales) have, as a result of their first year's working, unanimously passed resolutions expressing their sense of the value of a Trade Board."

This opinion has been strengthened by resolutions passed unanimously on many Trade Boards, such as the following passed by the Ready-Made and Wholesale Bespoke Tailoring Trade Board on 27th April, 1921:—

> "That in view of the attempts now being made to bring about the abolition of Trade Boards, the Members of the Board of whom the majority have had many years' experience of the working of Trade Boards place on record their opinion that the establishment of a Trade Board has been of considerable advantage to the Ready-Made and

Wholesale Bespoke Section of the Tailoring Trade, notwithstanding certain administrative difficulties, towards the removal of which steps are now being taken: and that copies of this resolution be forwarded to the Minister of Labour and the Prime Minister."

The Council deplore the refusal of the Minister of Labour to accept the Majority Report of the Administration Committee in full, as they believe that by adopting the proposals set out in that Report the Minister would have secured the full co-operation of employers and workers experienced in Trade Boards in working the Trade Boards Acts. (Page 865.)

Statement of Mrs. Leonora Cohen, representing the National Women's Advisory Committee of the National Federation of General Workers. Member of the Laundry, Waste Reclamation and Sugar and Confectionery Trade Boards, and tailoress by trade. December 14, 1921.

6414. *Lord Cave:* You have worked in the wholesale tailoring industry?—Yes, wholesale. We have very little bespoke tailoring. A factory, of course, is acknowledged as being wholesale. There used to be endless disputes in the trade, and now those are almost conspicuous by their absence. When the slack period was on employers would ask the workers to take a reduced rate, to make either sample ranges or stock, so that if the workers did that they would be able to get orders; and when the trade got busy they were never able to regain their old position without a fight, or a dispute; but this refers more especially to women, and not so much to men. It was always the women's rates that were reduced first. These are absolute facts, and I think it has been a means of putting the trade on a basis, and the employers know that there is a certain minimum under which other manufacturers cannot go. (Page 453.)

6454. . . . . We generally have a difficulty on a new Board. In the first place the 1909 Act was set up for

sweated industries, and there is always a tendency on the employer's side to feel that he is brought into something against his will. There is always a minority, of course, who think that it will be a good thing in the end, because the employer knows there will be a minimum rate under which his competitors cannot work, and the friction that takes place between the workers' representatives and the employers is generally on account of this atmosphere which is created in the beginning; but I venture to suggest that in time that all wears down, because there is perfect harmony on some of the Boards. (Page 455.)

Hansard's Parliamentary Debates. Volume 96. July 19, 1917.

Mr. Prothero (Rt. Hon. Lord Ernle), President of the Board of Agriculture:

The Wages Boards will, I believe, when a certain amount of prejudice against the innovation has been overcome, prove to be valuable institutions in our rural life. I am not an advocate for their being called into being on any other ground than that I believe they will help to bring employers and employes together, as they have never been hitherto. I believe as time goes on that will be the effect of having these Wages Boards. See what they mean. They mean that two equal bodies of employers and employed meet and talk over wages. One of these two sections no doubt represents the interests of the trades concerned, and the other will represent the interest of what is the cost of living. They will discuss matters and gradually come to the point of agreement. In that process there is no doubt they will get to know one another very much better than before. Wages Boards will be a boon in this country if they are properly worked without political or social bias. They will impart into the hard economic laws of this county something of morality and something of conscience, and that is what we expect them to do. (Page 622.)

Canada.

Province of British Columbia. Department of Labour. From the Annual Report for the Year 1921. Report of the Minimum Wage Board. 1922.

The benefit to be derived from personal contact and considered discussion as between employers and employees at times when there is no strife was again evident. It was gratifying upon these occasions, as before, to note the gradual growth of mutual understanding of each other's difficulties and the developing spirit of give-and-take between the two classes. When the final deci-

sion was reached to recommend a continuance of the $14 weekly minimum, both sides had made concessions and compromises.

The Board has since met and approved the recommendations; the new Order being the same practically as the former one, the rates remaining as before. (Page 14.)

The Manitoba Minimum Wage Board. J. W. MACMILLAN, *Chairman. Manitoba Public Service Bulletin. Winnipeg, December, 1919.*

The very fact that the board had been constituted from two classes generally in conflict made it apparent to its members that harmonious action was highly desirable. And the simple and convincing principle upon which the law rested, that any industry taking the productive efficiency of a woman should at least work and pay her up to the level of wholesome living, made it possible for us, who might have differed radically about more contentious matters, to work in concord on this. In the thirty-five conferences which we held, besides many other meetings, I remember only two occasions in which I settled a difference of opinion by a casting vote between the representatives of the employers and employees.

Employers Were Sympathetic.

Having seen the desirability, not to say necessity, of harmony within the board, we next perceived the desirability of securing the approval of those who were to be controlled by the regulations we made. So we adopted the plan of summoning representatives from either side in each industry and discussing every point with them. We found, to our astonishment and delight, that they were ready to help us to the extent of their power and that they approved of regulations designed to support the well-being of the employees. In the thirty-five conferences only once or twice did an employer refuse to approve of a regulation which the board was disposed to

insist on, and in those cases it was some minor affair. I should like to pay my respects to the employers of Manitoba, and especially of Winnipeg, where most of the industries we dealt with are located, for their willingness to accept the principle of minimum standards and for their honorable carrying out of the regulations prescribed.

It might seem that the explanation of this ready consent lay in the extenuated nature of the regulations. But it was not so. In some of the establishments where large numbers of women were employed, practically every wage was increased. (Page 4.)

The Minimum Wage for Women and Girls in Manitoba. October, 1920.

The Minimum Wage Act of Manitoba, while resembling in a general way similar legislation throughout the world, is different in the one particular, that it makes no provision for Trades-Boards being called for each industry. The Board accordingly adopted the plan of calling representatives of both employers and employees in each industry into conference with itself. The result has been singularly happy.

Since the first meeting of the Board on the 26th of April, 1918, it has held 36 such conferences with the industries of Winnipeg, Brandon, St. Boniface and St. James which employ women. It has carefully studied the distinctive features of each trade, in joint session with some who knew it intimately, and in every case, with exceptions too trifling to signify, has succeeded in framing regulations which have been approved and agreed upon as fair and reasonable by the members of the conferences.

The expectation of the Board in regard to the good effects arising from these conferences has been realized in many respects. The Board believes that these conferences will have the effect not only of protecting and advancing the interests of the women workers of the province, but also of promoting good feeling between them and their employers, and of stimulating the productive

efficiency of the industries as a whole. In the era of industrial readjustment, upon which the world is now entering, when labor conditions may become less favorable to women, these regulations may give them greater security in their work and wages. (Page 3.)

The Board cannot express too cordially its appreciation of the assistance given it by the representatives of both employers and employees, who have met with it in the conferences. They have frankly and sincerely accepted the basic implication of the Minimum Wage Act; that an employment which utilizes a woman's productive power owes her at least a decent livelihood. They have contributed their intimate knowledge of the special industrial and living conditions in each case; and their reasonableness and good-will have been such that the regulations ultimately adopted were always first framed as an agreement within the industry before they became a law imposed by the Board. (Page 6.)

5. General Testimony Bearing on Effectiveness and Fairness of Legislation.

Besides the statistical proof of the success of minimum wage legislation there is increasing public opinion in favor of the measure and of the standard of a living wage. It has been endorsed by public commissions investigating industrial problems, by committees and boards, by eminent statesmen, government officials, employers, employees, economists and the churches.

(1) In the United States.

House of Representatives. 65th Congress, 2nd Session. Hearing before the Subcommittee of the Committee on the District of Columbia on H. R. 10367. Providing for the Establishment of a Minimum Wage Scale in the District of Columbia for Women and Children. April 16, 1918.

Statement of Mr. Arthur N. Holcombe, of Massachusetts:

I have been a member of the commission since it was first established six years ago. (Page 19.)

In conclusion, there are two general inferences which I have drawn from my six years' experience with the minimum wage in Massachusetts. First, and it is a positive conclusion, that, in general, high wages mean low labor costs. In comparing the pay rolls of competing establishments (and we were never able to make this information public in the most convincing way because we never felt free to make public actual conditions in individual firms), we found when comparing the pay rolls of different establishments competing in the same industry, selling in the same market, drawing their labor from the same sources, that as a general rule in those establishments where higher wages were paid for the same class of labor, the labor costs were lower, measured as a percentage of the goods sold. In other words, high wages and low labor costs tend to go together. (Pages 22-23.)

Secondly, we found that low wages were not always caused by low efficiency on the part of the wage earner. You frequently hear it said, "We cannot afford to pay a girl more than she is worth," and there is something in that. Then further you hear it said that what she is worth is indicated by what she is now receiving. There is often very little in that statement. The fact that a girl is receiving a low wage does not demonstrate that her worth is low. On the contrary, one of the factors upon which the efficiency of the girl, and hence the worth of the girl in that particular establishment depends, is the efficiency of the management. In other words, low wages may not indicate low worth on the part of the wage earner, but they may indicate low managerial ability on the part of the employer. (Page 23.)

Statement of Mr. Edward A. Filene, of the William Filene Sons' Co., of Boston, now Director of the United States Chamber of Commerce and Chairman of the Shipping Committee:

I have been rather surprised that so little has been said to you of our case. We employers need this legislation really, not figuratively; we need this legislation just as much as the employees do. Cheap wages make cheap standards, and the danger is that with all the details of the supervision necessary with cheap wages we will be satisfied with those cheap standards. Our business, the retail distribution, is about the most lawless business in the world, I think. (Pages 25-26.)

We are dealing in a business where the average thing doubles in price from the producer to the consumer, and this is disgraceful.

Now, the reason that we have not dealt better with it before I think is largely because we have not had intelligent enough employees. I think it will appeal to you gentlemen as business men that an underpaid employee will not have strength or desire to study very much to put more intelligence into the distribution, into the selling.

You say, of course, that the management ought to furnish the intelligence; they are paid a lot of money to do so. But, as a rule, we do not; we are hard pressed with small details of competition, and we usually go ahead as fast as we are pushed ahead; and the greatest incentive, the greatest power, the underlying power for improvement within the business, lies in correcting the weaknesses of our employees, and in intelligent study by the employees. The $7 a week girl is pretty hard pressed with her own problems, and she does not have very much time to do much more than just do her day's work and then worry for the rest of the time about how she is going to get along with what she has made that day. That is not good for the employer. A decent wage is based on intelligent work, which means intelligent management in the final analysis. Most of us business men see this. A minority of short-sighted men force the others to do really what they do not approve of; and after all, this minimum wage legislation merely provides the machinery. That is one of the real reasons for approving it—the minimum wage legislation merely provides the machinery by which joint action is secured by that part of the industry that really is far-sighted enough to advance it. That makes the slacker employer in the shops, in the industry, who does not want to think hard enough to see what is really the profitable thing in business, stop and think; it really takes the blinders off of him by making him give wages good enough so that he will have some time to think of these problems. (Page 26.)

If you are in doubt about the situation, I think you will find in stores over the country where the minimum wage is placed pretty high, higher than was contemplated in Massachusetts—you will find the owners are content. In Detroit, Hudson & Co., the biggest store in Detroit, pay $12 as a minimum wage, and the owners are very well satisfied and see that it does really pay to do that.

I am not going to deal with the theory that no trade or occupation is justifiable which does not pay a decent

wage. I think you have accepted that. The only thing that would take the place of this sort of minimum wage, and which might properly take the place of it, would be to make the employers pay as much attention to their employees and be as responsible to them as they are to their cows and horses. We treat our cows and horses well because we have got to pay out the money directly if we maltreat them and they become sick or die. If we were directly responsible for our employees, there would not be any need for the minimum wage proposition; but because we can drop an employee who becomes sick from lack of proper wages, because society takes up that burden for us, we blindly go ahead—short-sightedly go ahead—and let this system keep on. It ought not to go on, and especially it ought not to go on now. It has in it the poisoning of the very strength we need in this critical time if we are really going to win this war. (Page 28.)

Statement of Dr. W. C. Woodward. Health Commissioner of the District of Columbia:

I feel very much like apologizing for my presence here to-day. I presume I have been invited to speak merely for the purpose of getting into the record the fact that the health interests of the District and, I believe, the health interests of the Nation are concerned in the matter of the legislation intended to establish minimum wages for women and for children. The facts that I have to present are so patent, so well known, that it would seem like a waste of time if my appearance were for any other purpose.

That there is a very definite relation between wages and health, and between wages and morals, I think will be conceded by every one who at any time has had to earn his own living, and who has even the slightest knowledge of hygiene or health. We know that in any organized community we can not get ordinary shelter without paying for it; that to clothe the body costs money; that food costs money; that provision for ordinary protection

against illness requires money; and that protection of life—if you will provision for recreational facilities—requires the expenditure of money; and we know that the wage earner depends on her wage to get that money. It stands to reason, therefore, that inadequacy of wage means either of two things: on the one hand it may mean inadequacy of shelter, inadequacy of clothing, inadequacy of food, inadequacy of recreational facilities, on the one hand it may mean any one of those conditions, or it may mean all—with resultant impoverishment of health—or, on the other hand, it means that from some source or other the wage must be supplemented with possible resort to wrongdoing to accomplish that end. I am very loath, however, to connect up minimum wages with moral questions. The most I care to say there is that when one is tempted the lack of physical stamina and the necessity for maintaining life increase the weight of the inducement and certainly make yielding easier. (Page 29.)

From the postulate that adequate wages are necessary for the protection of health, we come to the question as to why working women particularly need the assistance of the proposed legislation. I am not going to undertake any analysis of the situation, such as was presented this morning, with respect to the ability of women to protect themselves in the matter of legislation and wage control, but I would like to point out a few essential facts. One is that so many of the girls who are compelled to go out to earn their living must go at a period of adolescence, at a time when it is essential that they be well nourished and not undernourished. It is essential for the full development of young girls that their life be not too narrowed by hardship. There is something more than bread and butter and clothing and a roof over our heads, and adequate development calls for it. A girl who is lacking in any of these particulars is not a girl who is going to develop into the best woman, to serve the State; she is not the girl who is going to have, we will say, the best possible instincts toward matrimony, and she is not the girl who will have the

greatest possible insistence on the wisest choice of a husband. Those things ought to be considered, because after all it is on marriage and the bearing of offspring that the race relies for its continuance in a proper form. So even without reference to a woman's own condition, and the maintenance of her own physical, mental, and emotional health, we must bear in mind the fact that when she marries and when she bears and rears children for the coming generation, if she has been properly trained and has adequate opportunities to care for herself we shall be able to maintain the integrity of the race, we shall be able as a Nation to meet the perils that confront us in the future as we are meeting the perils that confront us at the present time; and otherwise we shall fail. We have heard a great deal to-day with respect to the need of the individual woman; but we must go beyond that need and must face the fact that we are acting for the race, we are acting for the Nation, and the Nation needs all these women to be kept in the best possible condition. (Pages 29-30)

Senate. 65th Congress. 2nd Session. Hearing before the Subcommittee of the Committee on the District of Columbia on S. 3993. A Bill to Protect the Lives and Health and Morals of Women and Minor Workers in the District of Columbia, and to Establish a Minimum Wage Board and Define its Powers and Duties, and to Provide for the Fixing of Minimum Wages for Such Workers, and to Provide Penalties for Violation of this Act. Wednesday, April 17, 1918.

Statement of Senator Park Trammell, of Florida.

I have been very much gratified to note throughout the past decade the wonderful change in the trend of public sentiment toward providing a more suitable and adequate wage for the wage earners of this country. Our people, the people of America, have come to realize that a sufficient wage is not only in the interest of the

person who is to enjoy the same but it is in the interest of society, it is promotive of better citizenship, and the entire trend is to build up and to strengthen the social fabric of our country. (Page 7.)

Statement of Mr. Charles J. Columbus, Secretary of the Merchants and Manufacturers' Asociation of the District of Columbia.

Mr. Chairman and Members of the Committee: I appear to-day representing the Merchants and Manufacturers' Association of Washington, formerly the Retail Merchants' Association.

Our association, as I explained at the House hearing yesterday, is made up of 33 organized lines of trade, and included among those units, which are known as trade sections, such as our department-store section, which employs about 5,000 people, are the section for laundries and our sections for specialty houses, for ladies' tailors, merchant tailors, and so on.

Each section has a chairman, and each chairman is automatically a member of our board of governors. I was sent here by the board of governors, which unanimously voted to support this bill. (Page 8.)

Mr. Louis Levy, who represents the laundry interests in the association, said: "Why surely there is no use in opposing a measure of that kind." Others that I have talked to, including personal friends, say that they see no objection to it. In the meeting which we had on this, of the board of governors of the association, they regarded it as a good bill. We like the commission plan; we like this form of arbitration, so to speak; we like this method whereby, as conditions change, either side can go to this commission and seek a rearrangement of the wage scale—that is, a minimum. (Page 9.)

Those that were not there were seen in person by myself, and the cigar trade was represented there—Mr. Henry Offterdinger and other large employers of female help; and this bill had his full approval. We figured that

inasmuch as the department stores and the laundries were the largest employers of female help, they were the real ones in interest in this matter. Every member of our board of governors had full notice that this matter was to be taken up. Yesterday afternoon and last night I had quite a number of men tell me how pleased they were that we had taken this stand on the minimum wage bill. (Page 10.)

Statement of Mrs. Frances Axtell, Formerly a Member of the Retail Store Wage Board of the State of Washington, Now a Member of the United States Employees' Compensation Commission.

However, the point you want to know, of course, is how this law has worked in our State, and whether both parties to the agreement are satisfied with it. I have had the pleasure of talking with many of the merchants in our State since 1913, to find out how this law operated, and whether they were pleased with it, and I have yet to find a merchant who would go back to the old method. They are all of them not only pleased with it, but they say that it pays them in dollars and cents to pay their employees more wages; and, of course, it is undebatable whether the girls are pleased or not. It has had a very marked effect on the women of our State who work in these stores. (Page 37.)

House of Representatives. 65th Congress. 2nd Session. Minimum Wage Board for the District of Columbia. Report No. 571 submitted by Mr. Hilliard, from the Committee on the District of Columbia. May, 1918.

The Committee on the District of Columbia, to whom was referred the bill (H. R. 12098) to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a minimum wage board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers,

and for other purposes, herewith favorably reports the same with the recommendation that it pass. (Page 1.)

No one appeared in opposition to the bill. A remarkable circumstance which has probably never occurred in any previous legislative hearings on a measure affecting wage legislation in this country, was the appearance of the official organized body of employers—the Merchants' and Manufacturers' Association of the District, who sent their representative to make a statement indorsing the bill and urging its passage. This association has a membership representing 33 different businesses in Washington—department stores are the largest employers, having in their establishments probably 5,000 persons. The enlightened and progressive position taken by the employers of the District who are directly affected by the measure has properly impressed the committee. Their approval means that such legislation is recognized as being based on sound business principles, because it makes for a more efficient and more contented labor force. It also protects the fair and enlightened employer from underbidding competitors.

Besides the indorsement of employers, approval of minimum-wage legislation comes to us from the workers through their organizations, and also through three representatives who appeared in person. Mr. Keating, introducer of the bill, read into the record a resolution adopted by the thirty-third annual convention of the American Federation of Labor. It discussed the principle of minimum-wage legislation for unprotected workers, especially women and children, and recommended that provision be made for the proper representation of wage earners on minimum-wage boards, and that they be administered "so as to afford the largest measure of protection for women and minor workers."

The president of the Federal Employees' Union appeared to urge the passage of the bill. Two women workers of the national and local Women's Trade Union Leagues told of the need of this legislation from their own experiences as wage earners, and the manifold hard-

ships of attempting to live on wages too low for proper subsistence.

This bill, H. R. 12098, has also the strong indorsement of the authorities of the District—that is, the Board of Commissioners—who will be empowered to administer the provisions of the law, as well as the health officer, who speaks authoritatively on the health aspects of the proposed legislation. (Page 2.)

The Federal Bureau of Labor Statistics has recently published the results of an investigation into the cost of living in the District. Almost one-half (46 per cent) of the 600 women workers interviewed and questioned as to their income and expenditures earned less than $8 per week. Over two-thirds (64 per cent) earned less than $10 per week. (Page 2.)

This low wage was not owing to their youth and inexperience, for 72 per cent were 21 years of age or older, and one-half of those earning less than $9 per week had been at work for five years and more.

In connection with these figures, we must consider the actual cost of board and lodging in the District to-day. Owing to the abnormal conditions of war times, these costs have risen greatly, even during the past few months. In 1917, the Federal Bureau of Labor Statistics stated that $6 a week was the "bare minimum" upon which the average woman could obtain board and lodging in Washington. A year later, information presented at the hearing on this bill showed that according to the room registration office of the local Council of National Defense the minimum expense at which a woman can now find board and lodging is $35 per month, that is over $8 per week. That means accommodation for two in a room, and very few rooms can be found at that rate.

The difficulties of obtaining adequate clothing even with the strictest economy upon the present wages received was brought out by the investigation of the Bureau of Labor Statistics. In 1915, a State commission in New York estimated the "barest minimum for decent clothing," for a woman, to be $88 per year. Two years later,

nearly half (42 per cent) of the 600 women wage earners interviewed in Washington spent less than that minimum on clothing, in spite of the increased cost of materials. In 1917, according to the Bureau of Labor Statistics a working woman in Washington to be "well but not extravagantly dressed," must spend approximately $125 per year. More than two-thirds (68 per cent) of the women interviewed spent less than that amount. In the lowest income groups, "the average expenditure for every item of clothing is below that which would permit of physical comfort and decency."

The committee concurs heartily in the opinion of this health expert [Dr. Woodward] that inadequacy of wages means either of two things, that is, inadequacy of all the essentials—shelter, clothing, food, etc.. "with resultant impoverishment of health"; or, on the other hand, "it means that from some source the wage must be supplemented with possible resort to wrongdoing." And the committee further agrees with Dr. Woodward when he says:

"I am very loath, however, to connect up minimum wages with moral questions. The most I care to say there is that when one is tempted the lack of physical stamina and the necessity for maintaining life increase the weight of the inducement and certainly make yielding easier." (Page 3.)

The investigation in the District showed that as in many other communities about a third (in Washington 31 per cent) of the women at work were living away from home. This answers the frequent assertion that working girls do not need to be paid a living wage because they are supported by their families and are merely supplementing the family income. The wages paid must take into account this substantial proportion of wage earners who are not living with families. Moreover, 21 per cent of the 600 women interviewed had dependents. That is, one-fifth were under the necessity of contributing to the support of others, besides supporting themselves. On the other hand, 45 per cent needed to receive

outside assistance in order to make both ends meet. (Page 4.)

The remedy which is proposed in this bill has already been tried and found successful in various States of the Union and in other parts of the English-speaking world. It is known as the minimum wage system because it provides a method for setting wages which are not too low for subsistence and below which wages may not fall. It lays down the general principle that a competent worker must have enough food, clothing, and shelter and the other essentials to keep life going. Without these essentials, the workers' efficiency as well as their personal welfare must inevitably suffer and decline with resulting injury also to the community of which they form so large a part.

It has proved practicable. (Page 4.)

Senate. 65th Congress. 2nd Session. Minimum Wage Board for the District of Columbia. Report No. 562. Submitted by Senator KENYON. *September 6, 1918.*

The Committee on the District of Columbia, to whom was referred the bill (H. R. 12098) to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes, having considered the same, report thereon with a recommendation that it pass.

65th Congress. 2nd Session. Congressional Record. Vol. 56. Pt. 9. Speeches before the House on the District of Columbia Minimum Wage Board Bill. July 8, 1918.

William R. Green of Iowa:

The old doctrine of laissez-faire has, I am glad to say, become almost obsolete. Even in England, where it originated, it has been repudiated. England has seen

the effect of this theory in the deterioration of the physical and moral well being of its workers. They found when they got into war that the physical condition of the average English working man was far below what it ought to be, far below what the public had the right to expect, and far below what it might have been had proper care been taken of them in the way of general law. By her old age pension law and other remedial measures England had shown that she no longer intends that the welfare of her workingmen shall be permitted, like the price of commodities, to be governed solely by the law of supply and demand.

A wage upon which the employee cannot live in decency and in some degree of comfort inevitably tends to lower not only the physical standard, but the moral standard. (Page 8875.)

William J. Carey of Wisconsin:

When the hearings were being held before the committee on this bill it was significant that no one offered in opposition to the bill. A remarkable circumstance which has probably never occurred in any previous legislative hearings on a measure affecting wage legislation in the country, was the appearance of the official organized body of employers—the Merchants' & Manufacturers' Association of the District—who sent their representative to make a statement indorsing the bill and urging its passage. This association has a membership representing 33 different businesses in Washington—department stores are the largest employers, having in their establishments probably 5,000 persons, their approval means that such legislation is recognized as being based on sound business principles, because it makes for a more efficient and more contented labor force. It also protects the fair and enlightened employer from underbidding competitors. (Page 8882.)

Stuart F. Reed of West Virginia:

The provisions of this bill, properly enforced, will not only benefit those who have their labor to sell, but will

protect those who buy labor by placing each employer on an equal footing with all others who employ labor for similar commercial activities. (Pages 8881-2.)

Joseph Walsh of Massachusetts:

But I want to say that I think that the State of Massachusetts was the first state to adopt a minimum wage law. It was, of course, looked at with suspicion at first, and thought to be somewhat of a fad, and that it would not work out in operation. But it has, and we have a board, I think, made up of five or seven members that has authority somewhat similar to that granted by this act. (Page 8885.)

65th Congress. 2nd Session. Congressional Record. Vol. 56. Pt. 12. Speech of Hon. AUGUSTINE LONERGAN *of Connecticut before the House on the District of Columbia Minimum Wage Board Bill. August 26, 1918.*

In itself the bill corrects a condition which might otherwise be the forerunner of serious economic and moral harm, and points the way to a clear solution of one of the most vexing problems of our national life.

Here we have united on a program—the employers, the employed, the large labor union organizations of the country, and those who devote their lives to economic questions as a vocation.

The war has brought home to every nation in it the importance of conserving its man power. Man power means national strength. But national strength will disappear if the health and moral welfare of the women of our land is not safeguarded, and one of the surest ways to safeguard them is to provide for wages for women that will guarantee good living conditions. (Page 604.)

65th Congress. 2nd Session. Congressional Record. Vol. 56. Pt. 10. Senate. Speech of WILLIAM S. KENYON *of Iowa before the Senate on the District of Columbia Minimum Wage Board Bill. September 13, 1918.*

It [the bill] has been twice unanimously reported by the Committee on the District of Columbia; it has passed the House without a dissenting vote. (Page 10278.) [Senate, September 13, 1918. Yeas 36. Nays 12.] (Page 10285.)

U. S. Department of Labor. Woman in Industry Service. Bulletin No. 4. Wages of Candy Makers in Philadelphia in 1919. 1919.

The subject of wages had taken on a new significance during the war. The policy which should underlie wage determination was officially defined by several Federal agencies. The most authoritative statement was contained in the report of the National War Labor Conference Board, which, as affirmed by the President, became the guiding principle for the National War Labor Board in the settlement of industrial disputes during the war. The paragraphs relating to wages are as follows:

1. The right of all workers, including common laborers, to a living wage is hereby declared.

2. In fixing wages, minimum rates of pay shall be established which will insure the subsistence of the worker and his family in health and reasonable comfort. (Page 7.)

Speech of SENATOR HARDING. *Marion, Ohio. October 1, 1920. The New York Times. Saturday, October 2, 1920.*

Justice and American standards demand that women who are employed should be paid a living wage, and it is entirely unfair to the State which fulfills its obligations to humanity in any piece of humanitarian legislation

affecting industry that other States, by failing to perform their obligation, gain a temporary advantage in costs of production.

Minimum Wage Study. Ohio Council on Women and Children in Industry. 1920.

Mary Anderson, Director, U. S. Women's Bureau, Department of Labor:

The conference of governmental officials in Seattle [in 1920] discussed the minimum wage legislation very thoroughly. They were all of the opinion that legislation creating a commission was the best legislation. They all felt that it was necessary at this stage of development of the country's industries and because of women's entering into industries in large numbers without standards as to hours, wages, and working conditions that such legislation was necessary against exploitation.

Arkansas. Bureau of Labor and Statistics. Third Biennial Report. 1917-1918.

The Minimum Wage Law is one of the best protective measures for labor upon the statute books of Arkansas, for those who are protected by its provisions are invariably unorganized and have no way of compelling employers to give them a shorter work day and a living wage, hence the law steps in and protects the weak. (Pages 14-15.)

California. Industrial Welfare Commission. Third Biennial Report. 1917-1918.

Summing up the accomplishments of the mercantile order, the effects were found to be:

1. That no establishment was forced out of existence by the order.

2. That the number of employees was not decreased, but increased 10 per cent.

3. That the minimum wage does not become the standard. In California it did raise the wage representing

the largest number of employes from the $9 to the $10 group.

4. That the minimum wage does not become the maximum for the number in the high-pay groups increased. Other conditions that are entirely separate from the minimum wage very definitely limit the size of the higher-pay groups.

5. That the minimum wage is a real remedial measure. The lowest-pay groups were eliminated entirely. The percentage in the other low groups was restricted to 25 per cent of the number of employees. The changes were not brought about by general industrial conditions. There was no noticeable movement toward an advance in wages of women at any time in the three years from 1914 to 1917. There were no new factors introduced in the few months from April to September, 1917, that would cause such an advance.

The low-wage groups have no surplus. All they earn must be spent for necessaries. They will not risk even one day's unemployment of their own choice. They do not have the funds to provide the nourishment that would give them the courage to demand better working conditions. Competitive conditions in industry do not permit a voluntary increase in wages that would not be common to all firms. A living wage is not granted until the public demands it for its own preservation. Not until the Industrial Welfare Commission passed the mercantile order did a noticeable increase in wages and improvment in working conditions take place. (Page 48.)

A summary of the effects of the order of the Industrial Welfare Commission in the laundry industry leads to the same conclusions as in the mercantile industry:

1. No establishment was forced out of existence by the order.

2. Employees did not lose their positions because of the order.

3. The minimum wage does not become the standard. It is true that in October 56 per cent of the laundry workers received a rate less than $10. This decreased in January to 22 per cent, or by 34 per cent. In October, there were only 15 per cent in the $10 groups. This increased in January to 47 per cent or by 32 per cent. It is equally true that 27 per cent received $9 in October and this was the standard wage then, with 56 per cent receiving $9 and under. The minimum does not become the standard but does better the standard wage.

4. As to the effect of the minimum wage upon the highest paid groups, the same comment already made in regard to the minimum wage becoming the maximum may be repeated. Those receiving the highest wages are those employed on the few highly skilled operations. The need for this group does not increase in direct proportion with the business, but at a slower ratio. Better pay promotes general efficiency of the management as well as the worker, and the need of supervisory employees is decreased rather than increased. This is offset to a certain extent in the total of wages paid by the fact that the minimum pushes up the wages along the whole line. The minimum may not increase the number of the highest paid positions. It is certain that the minimum does not become the maximum.

5. The minimum wage is a beneficial measure. The lowest pay groups have been eliminated. The number in the other low pay groups have been restricted. This has been accomplished without adversely affecting the number of employees, or the wages of the higher paid groups. (Page 87.)

Colorado. Industrial Commission. Second Report. December 1, 1917, to December 1, 1918.

The Commission from a careful study of the (minimum wage and labor law for women and children) is convinced that it is right in principle, and that it is practicable and workable. When the Legislature passed this

Act in 1917, it appropriated only enough money to pay the salary of the Secretary, authorized to be appointed by the Act. (Page 127.)

There have been no formal adjudications by the Commission, nor formal investigations since this Act was enacted. At the time it became effective this country had already become an actor in the Great World War, and as a consequence thereof, there was a rapid change in the situation of women and minors. With the voluntary enlistment and drafting of thousands of able-bodied males of this country, the demand for women and minors in the industries grew apace. The position of women as being limited to but a few certain caliings, changed, and the employers of the country, through necessity, were compelled to employ women in industries, filling the positions formerly occupied by skilled men. The demand thus created enabled women and minors to demand and receive what was for them unheard of wages. In most cases the women demanded and often received the same wages formerly paid to men, and as a result, the demand exceeded the supply; this being the case, and employers being compelled to go out into the open market and compete for this class of labor, there was no cause for complaint from the classes affected by the Act, and consequently this Commission had had very little practical work to do thereunder. No formal demands or requests for investigations authorized by the Act were filed. A few isolated individual complaints were received and adjusted without the necessity of any formal proceedings, and a few anonymous complaints were received which could not be verified. (Pages 127-128.)

The Commission believes that the Act, as it is now upon the books, is not only practical and workable, but contains many beneficent features, but the incoming Legislature should either appropriate a sufficient amount of money to enable the Commission to properly perform the duties imposed upon it by the Act, or repeal it. We believe that repeal is unwise, because in the reconstruction days following the war, industrial changes of vast

importance will undoubtedly ensue, so as to again place women and minors in the position where they may have to seek the protection of the law. (Page 128.)

Kansas. Industrial Welfare Commission. First Biennial Report. 1915-1917.

The inability of women workers to protect themselves, the effect upon them of the strain of industry and the harmful results to future generations when the mothers of the race are caused to work under such conditions as undermine their health, have caused public opinion to demand special protection for these women. Society begins to feel the necessity for helping these women to find their places in industry and for making these places suitable to work in. Much of this protection has been offered in the way of regulating hours and establishing standards of wages such as will offer women a comfortable and normal living.

The number of females of ten years and over engaged in gainful occupations the [1910] census shows to be 80,694, or 13 per cent of the entire female population. (Page 5.)

The very low wages often received by women workers make such a minimum rate of especial importance.

Long after the police power of the state had been invoked to limit women's hours of labor the question of wages was left to be settled by the individual or by collective bargaining. Realization of the poverty in which many working women exist, however, was gradually brought to our legislators through numerous comprehensive reports by federal and state bureaus. (Page 9.)

Hon. Edward W. Olson, *former chairman, Washington Industrial Welfare Commission. Tenth Biennial Report of the Bureau of Labor, Statistics and Factory Inspection. 1915-1916.*

Three short years ago, more than half the women workers of the state of Washington, exclusive of the

women employed in the lonely life of household domestics, were receiving lower wages than the minimum required to support them in lives of virtue and decency. Today, the 42,225 women employed in the state's industries, notwithstanding the past three years have been years of industrial depression, receive enough pay for their services to enable them to live in decency and comfort. They secure approximately $21,957,000.

The startling change in condition is due to the enactment of the minimum wage law, one of the reform legislations in which the far western states lead. The law, passed in spite of strenuous opposition from employers though with the strong approbation of the club women, now gives general satisfaction. Though it means a larger sum in pay checks for the majority of employers of female labor, few of them would willingly see the law repealed. They, as well as the women directly benefited by it, are more and more convinced the law is a wise and profitable legislation for both employer and employe. (Page 265.)

The minimum wage regulations have been in construction for the last three years, during which standard minimum rates of pay for women have been established in five leading industries and in various occupations. The work has been accomplished through the Industrial Welfare Commission, which is empowered with legislative and administrative authority.

The Commission, which undertook its work when serious business depression existed, was confronted with many seemingly unsurmountable obstacles. The overloaded labor market had forced wages to a very low standard. In its preliminary survey the Commission found the average wage but little in excess of wages for like industries in the East, though the cost of living is greater in the West. In mercantile establishments 50 per cent of the females were receiving less than a living wage, while a large group of workers receiving less than $7.00 weekly and some as little as $3.00 consisted of women entirely on their own resources. In factories the

wage standard was still lower, with more than 60 per cent receiving less than a living wage. Less than 40 per cent of the laundry workers earned enough for self-maintenance. The majority of the women employed in hotels received less than a living wage though waitresses were almost invariably receiving adequate pay. In telephone exchanges about 40 per cent were paid less than enough for decent maintenance.

In each case, the wage rate determinations of the Commission are based on the estimated cost of living of a self-supporting woman. No other basis could be just. To arrive at a proper conclusion in this matter it was found necessary to conduct an extensive investigation into this question. (Page 267.)

The conferences decided women employed in stores or general office work have an annual expense of $520; women in factory occupations, $462.80; women in laundries, telephone exchanges and general hotel occupations, $468; waitresses in hotels and restaurants, $572. Allowances were made in the budgets for two weeks' vacation expense, dues, insurance, amusements and church. These averaged $36.74 per year or 70 cents weekly. No allowance was made for time loss during sickness or unemployment, in which cases the unfortunate women must apparently rely on the dispensation of Providence alone. (Pages 267-268.)

The weekly minimum wage rates for women over 18 years, in accordance with the living expense budgets, are: Mercantile occupations, $10; factory work, $8.90; laundry work, $9; telephone exchange occupations, $9; hotel occupations other than waitress, $9, and office occupations, $10.

It is estimated that 75 per cent of the regularly employed women in the state have been brought under the minimum wage law. The estimate is based on census reports, investigations, surveys and reports relating to the employment of women. There are 12,750 salesladies in the mercantile establishments; 4,500 stenographers and typists; 2,725 bookkeepers, cashiers and accountants;

1,800 milliners; 2,200 dressmakers and seamstresses; 6,500 hotel maids, cooks and waitresses; 2,800 laundresses; 3,200 telephone operators; 450 hairdressers and manicurists, and 5,300 in various manufacturing occupations. (Page 268.)

The A. F. of L. Convention in St. Paul, 1918, endorsed the minimum wage law, and also that in Atlantic City, 1919. (Page 7.)

Minimum Wage Laws Are Good Business. Extracts from Letters by Employers Operating under a Legal Minimum Wage. National Consumers' League, New York. October, 1920.

Employers Endorse Minimum Wage Laws.

Morris B. Anderson, Pres., Raincoat Makers & Manufacturers' Assn., Boston, Mass. Feb. 2, 1920.

"Permit me to express my hearty approval of this legislation." [minimum wage for women]

F. E. Day, Shull-Day Co., (manufacturers of trousers and overalls) Tacoma, Wash. Jan. 19, 1920.

"Before the minimum wage law was enforced in this state and while it was yet being discussed, I was of the opinion that it would be very hurtful to us, but after observing its good, I entirely changed my viewpoint."

Luther C. White, Employment Manager, Clothing Manufacturers' Association of Boston, Mass. Feb. 1, 1920.

"We believe in it—and think that now, while the ordinary wage for labour is far above any minimum which would be fixed by any Commission, is a good time to get a fairly high minimum established. As a result, the [wage]Board on which I served in a readjustment of the minimum, fixed $15 per week for the trained worker. This figure was based, primarily, on the present cost of living, and is, of course, subject to revision later if that cost should decrease materially."

E. L. Thompson, Treas., Portland Woolen Mills, Portland, Ore. Dec. 3, 1919.

"For the past several years, Oregon has been operating under the minimum wage law, and greatly to the surprise of some of our employers, it has not brought 'harm to their business,' as they had feared. We feel that this law has been of actual lasting benefit to our industry in this state, and thoroughly believe in its provisions."

W. A. Hawkins, Director, Jordan-Marsh Co., (retail dry goods) Boston, Mass. Jan. 31, 1920.

"I beg to state that I do endorse a minimum wage law for women provided that law be so formed, and so constantly followed up by efficient inspectors and so backed up by sufficient penalty, that all, both large and small employers shall be forced to obey it."

A. J. Schroeder, recent president of the Wisconsin Retail Dry Goods Association, Racine, Wis. Jan. 31, 1920.

"Personally I am in favor of the minimum wage legislation because I think it will better the conditions under which everyone works, both employee and employer."

B. F. Schlesinger, general manager, Emporium (retail dry goods), San Francisco, Calif. Jan. 18, 1919.

"We have operated under minimum wage law for women for over a year and find it is not only beneficial for our employees but also for ourselves. Feel the mercantile community in the East when its operation is better understood will agree with majority of merchants here that it is wise and progressive legislation."

Geo. S. De Neale, Supt. S. Kann Sons Co., (retail dry goods) Washington, D. C. October 6, 1920.

"After operating under the minimum wage law for a period of twelve months, we are thoroughly convinced,

that if it is rigidly enforced, it is a good thing for both employer and employee."

C. B. Heinrich, (retail dry goods) Burrton, Kansas. Feb. 18, 1920.

"The minimum wage law for women employees is all right and I think it has helped the women and us wonderfully."

C. M. Lessenden, Manager and Owner, C. M. Lessenden & Co., (retail dry goods) Downs, Kansas. Feb. 1920.

"A few months ago word came to me that an effort was being made to do away with our minimum wage and maximum hour laws for working women. Personally, I think an employer is lacking in his better judgment when he tries to do away with anything as sound as this law.

"It is a splendid thing for Kansas and only marks Kansas again in a pioneer movement for the betterment of society."

George S. Danforth, Pres., Danforth-Scott, (retail dry goods) Wichita, Kansas. Mar. 16, 1920.

"We wish to add our indorsement to the minimum wage law for women employed in the state."

Earl C. Williams, Manager, The Crosby Bros. Co., (retail dry goods) Topeka, Kansas. Feb. 21, 1920.

"We most heartily approve of this law as it stands at present and would never think of going back to the old way of doing business."

Frank R. Jelleff, (women's and misses' apparel) Washington, D. C. October 6, 1920.

"We are very pleased to say that we find the operation of the minimum wage law to be of no detriment whatever to us, and we believe that for the community

as a whole it is a forward step. We heartily endorse it."

U. S. Department of Labor Statistics. Monthly Labor Review. January, 1919.

The Associated Merchants and Manufacturers of New York State, at a meeting held at Syracuse on Nov. 30, 1918, resolved:

(1) We are in favor of the principle of an adequate wage for women and minors.

(2) We favor the creation of a state minimum wage commission which, however, shall be competent and properly representative of industry, labor, and the public.

(3) That we especially favor the enactment of a federal minimum wage commission law which, upon its enactment, shall supersede existing state law. (Page 214.)

Principles of Economics. EDWIN R. A. SELIGMAN, *L.L.D., Professor of Political Economy, Columbia University. Ninth Edition, Revised. New York and and London, Longmans, Green and Co. 1921.*

The arguments for a minimum wage are not materially different from those in behalf of the other forms of labor legislation. If it is legitimate to defend a minimum standard in respect to protection against accidents, and to the hours of labor, it is difficult to see why the arguments do not apply to the remuneration for labor; for to work for wages below a necessary minimum is at least equally hazardous to health and to efficiency. The arguments advanced against the minimum wage are the following: (1) the industry cannot afford to pay the increased wage. The answer is: first, that, as experience has shown, an increase of wage, especially in the parasitic trades, often leads to an increase of efficiency; and secondly, that if the industry is not able to pay living wages, it is better to replace it by one in which the natural advantages will

render this possible. (2) The danger is that all wages will be leveled down to the minimum, so that the minimum will tend to become the average wage. This is the same argument formerly advanced against the trade unions; but it is borne out by neither theory nor experience. (3) The implication is that the government must provide work at the given wage as well as wages for a given work. The answer here is that there is no more implied obligation on the government to provide work when it fixes a minimum wage than when it restricts the hours of labor or enacts laws affecting industrial hygiene. The law simply states that if the employer carries on the industry he shall do so under certain conditions. (4) The law is difficult of enforcement. This may readily be granted without, however, impugning the necessity of the law. The correct conclusion to be drawn is the need of adopting the best administrative methods. (5) The danger of interstate competition will render all such state laws nugatory. This objection may also be conceded in part; but to the extent that it holds good it follows that we shall ultimately have to come to federal regulation. (6) A compulsory minimum will mean a virtual gratuity to the unemployable. This, however, is really an advantage; for if the law will lead to a sifting out of those who do not want or are not able to work, the public will be in a better position to deal with the problem of unemployment.

The short experience with the minimum wage tends to show the following advantages of the system: (1) A distinction is made between the unemployed and unemployable; (2) the field of competition between the workers is restricted and the fluctuations not only in earnings but in production are somewhat checked; (3) an impetus is given to the formation of labor unions among the hitherto unorganized and weaker laborers; (4) the increased wages have been met partly by an increase in the quantity or quality of the output, partly by a reduction in profits, and partly by an advance in price. There is every reason to believe, therefore, that

the movement initiated in Australasia and subsequently adopted in Great Britain will spread rapidly in the United States and on the European continent. (Pages 652-654.)

Outlines of Economics. Richard T. Ely, *Ph. D., LL.D., Professor of Political Economy in the University of Wisconsin. Revised and enlarged by the Author and* Thomas S. Adams, *Ph.D.,* Max O. Lorenz, *Ph.D.,* Allyn A. Young, *Ph.D., New York, Macmillan, 1920.*

Minimum wage legislation slowly introduced and carefully administered meets the test both of economic theory and actual experience. In Victoria the legislation which was at first doubtfully applied to six trades has now been made applicable to 141; and 150,000 workers in a population numbering less than one and one half million "have the minimum wages in their trades prescribed by law." Vigorously opposed by the employers on its introduction, it seems from reports of disinterested investigators to have established itself on a firm foundation. There is yet some opposition to details of the law and vigorous criticism of the way in which it is administered; but from all that can be learned those who desire to do away with this system of regulation constitute a very small minority. In England the results seem equally favorable [to those in Australia]. Nothing revolutionary has been accomplished, but the system has demonstrated that it is practicable, even in highly complicated trades; that it can be trusted to raise wages without seriously disturbing prices; that it mildly stimulates organization among workers who need organized effort to better themselves; that it compels serious study and public investigation of trades which need both; and that it is not productive of serious evils. The minimum wage has not become the maximum nor has the operation of the act resulted "in wholesale dismissals of old and slow workers". (Pages 482-483.)

Some trade unionists oppose minimum wage laws on the grounds that the minima will become maxima and that wages should not be regulated by law. But the first charge has been disproved by experience, and the minimum wage at its best is a program for compulsory collective bargaining, not for the regulation of wages by statute.

So far as economic theory is concerned, there is no reason to believe the minimum wage proposition unsound. The establishment of minimum standards of sanitation and safety in Germany does not seem to have hurt industry there, and there is no reason to believe that the establishment of minimum wage standards would do so. Without regulation much of the competitive fight centers about the mere money wage. A poor workman may be more profitable to the employer than a skilled workman provided the poor workman can be secured for a small enough fraction of the wage it would be necessary to pay to the skilled workman. Establish a dead line—or better, a health line—and the emphasis will be placed upon efficiency instead of cheapness. Wage earners will have to meet higher and better standards. The competitive struggle will thus operate to evoke efficient rather than low-paid workmen. And the higher cost of labor will help to force the introduction of better machinery and better methods of organization. (Page 483.)

That standards should be adopted, including a wage standard, which both employers and employees must meet, is on the whole consistent with the best economic and social theory. (Page 484.)

U. S. Department of Labor. Children's Bureau. Standards of Child Welfare. Bureau Publication No. 60. Minimum Wage. Dr. Jessica B. Peixotto, *Professor of Social Economics, University of California. 1919.*

For a century, facts slowly accumulated and assembled have shown that a large proportion of work-

ing people were being paid wages that demonstrably could not give them a bare subsistence. As consequence, for more than a generation the industries paying such wages, the so-called sweated industries, have been the focus for a rising tide of protest. Few persons in a modern community would not shudderingly protect the woman who stitched and stitched and starved, but equally few realize the hard fight necessary to eliminate the type; few trace the connection between legislation for a minimum wage and that process of elimination.

For minimum wage legislation has made its way in opposition to well-established opinion. Unquestioning acceptance of the speculative psychology that inspired individualistic doctrines led orthodox economists to insist that the operation of economic forces alone could determine the wages of labor. Any other method, they declared, would in the long run work to the disadvantage of the laborer and all other elements in society. Even collective bargaining has fought an uphill battle not yet won. Minimum wage legislation was for a long time altogether prevented. Not until a wave of new conviction swept over the civilized world, not until it came to be fairly well-established thinking that low wages are an injury to the worker and especially to the rising generation, and that the closest interrelation exists between a living wage and the health, the strength, the skill, and the intelligence of the working population,—not until then did the movement for a dead lift in wages through legal enactment get any headway. Dreariest fact of all, not until business interests came to see that well-fed labor spelled intelligent labor and thus labor that paid, did effective opposition to the passage of such laws cease. Then, in spite of the economist, because of the dread of physical deterioration that agitation and investigation had aroused, and because of a recent "business" principle that "cheap labor is dear labor," minimum wage legislation began. Though the emphasis, speed, and clearness vary, the leading nations are now all legislating on the principle that holds destitution socially disadvan-

tageous and therefore intolerable and declares it a social safety device to secure for all workers, from industry, not from philanthropy, the means to buy a minimum of food, shelter, and clothing. (Pages 118-119.)

An Introduction to the Study of Labor Problems. GORDEN S. WATKINS, *Associate Professor of Economics, University of Illinois. New York, Crowell, 1922.*

Minimum wage laws have been criticized for the following reasons: (1) They are an attempted contravention of the free play of economic forces in wage determination, and cannot be relied upon to improve the wage standard of any group; (2) they result in serious injury to employers in progressive states where such laws are enacted, because these employers have to compete with the more cheaply produced goods of industries operated in states having no such laws; (3) they tend to discourage labor organizations, because the workers will not give financial support to the labor movement when they can secure the same ends without expense, through the medium of law; (4) the minimum wage becomes the maximum, and results in economic injury to those whom it is designed to benefit; and (5) they put a premium upon inefficiency, since workers are assured a minimum wage regardless of output.

Experience in every country indicates that none of these ill effects have resulted from the enactment and application of minimum wage legislation, but that opposite tendencies have been much in evidence. In Australasia and Great Britain an increasing number of occupations are being brought within the operation of these laws, and the results have warranted this extension. An exhaustive investigation by the United States Bureau of Labor Statistics disclosed the fact that minimum wage laws in this country are functioning satisfactorily. The income of the workers covered by these laws has been largely increased as a whole. A moderate

rate increased the pay-roll about $97,000 annually in one instance, and a rate of about $13 a week raised the pay in one industry more than 100 per cent in many cases, and more than 33⅓ per cent throughout the industry. These isolated cases are said to be typical of results everywhere. "The laws have had a large beneficial effect not only in supplying the actual necessities of the workers, but in transferring entire industries from a makeshift parasitic basis to one of self-support, making them an economic asset to the community instead of a burden."* The rates applied have not been so high as to bar women from employment and to attract men, as was feared by many persons who opposed the laws. The reduction of child labor has resulted, but this is an effect desired by all except the unscrupulous sweatshop operator. (Pages 607-608.)

The Church and Industrial Reconstruction. The Committee on the War and the Religious Outlook. The Association Press. 1920.

The Church's chief concern is not to determine the amount of living wage, but to insist upon the principle that the payment of such a wage, as determined by social experts, must be regarded as a first charge against the industry, a condition of its existence, a necessary business liability. The assumption that a living wage can be secured presupposes, of course, the fallacy of the so-called "iron law of wages," in accordance with which labor as a mere commodity is bought and sold at prices inevitably determined by supply and demand. The point of view of this report assumes what experience has now clearly confirmed, that wages can be socially regulated and controlled. (Pages 139-140.)

* Lindley D. Clark, "Minimum Wage Laws in the United States," Monthly Labor Review, March, 1921, p. 16.

Resolutions Adopted by the Federal Council of the Churches of Christ in America at Cleveland, May 6-8, 1919.

3. That the first charge upon industry should be a wage sufficient to support an American standard of living. To that end we advocate the guarantee of a minimum wage. . . . .

The Legal Minimum Wage. Essay on The Church and Socialism. JOHN A. RYAN, *DD.,LL.D. Professor of Moral Theology at the Catholic University of America. 1919.*

Although the idea of a living wage goes back at least to the early Middle Ages, it received its first systematic and authoritative expression in the Encyclical of Pope Leo XIII, "On the Condition of Labor" * * * In that document the great pontiff flatly rejected the prevailing doctrine that wages fixed by free consent were always fair and just. This theory, he said, leaves out of account certain important considerations. It ignores the fundamental fact that the laborer is morally bound to preserve his life, and that his only means of fulfilling this duty is to be found in his wages. "Therefore," concluded Pope Leo, "a workman's wages ought to be sufficient to maintain him in reasonable and frugal comfort." This proposition, he declared, is a dictate of natural justice. (Page 58.)

Such are the requisites of reasonable comfort as determined by man's nature and needs, and as interpreted by all competent authorities on the subject. * * * The man who would assert that the worker and his family may reasonably be deprived of these things must logically contend that the worker may be killed or deprived of his liberty for the benefit of others. For the right of life, liberty, marriage and all the other fundamental goods rest on precisely the same basis as the claim to reasonable comfort. That basis is the inherent sacredness of personality. This sacredness is outraged, not

only when the person is killed, crippled, or imprisoned, but also when he is prevented from exercising and developing his faculties to a reasonable degree. (Pages 62-63.)

Therefore, it is probable that the majority of wage-earners are still getting less than a decent livelihood.

This situation is at once a grave reproach to our Christian civilization and a grave menace to the national welfare. It is a grave reproach to Christian civilization because every one of those persons who is forced to live below the normal standard is a human being possessed of intrinsic worth and sacredness, having an absolute and imperishable value. (Page 76.)

There seems to be but one measure that gives any promise of anything like general efficacy, namely, the establishment by law of minimum rates of wages that will equal or approximate the normal standards of living for the different groups of workers. (Page 82.)

A Living Wage. JOHN A. RYAN, *DD.,LL.D., Professor of Moral Theology at the Catholic University of America. Revised and Abridged Edition. New York, Macmillan, 1920.*

To-day the doctrine that the laborer has a moral claim to at least a decent living wage is almost universally accepted by all intelligent and disinterested persons, while the legal minimum wage has found its way into the statute books of countries in three continents. (Page IV.) Speaking generally, we may say that in none of these states and countries have the objections urged against this legislation been proved valid by experience, and that in practically all of them the success of the laws has exceeded all expectations. (Page 173.)

When the first edition of this book was in preparation (1905) only two economists could be found who had discussed the feasibility of enforcing a Living Wage by law. The verdict of both was in the negative. To-day the great majority of American economists are

of the contrary opinion. They have come to see that the arguments against the legal minimum wage are unsound in theory and have been refuted by experience. (Page 171.)

All the signs of the times point to a rapid extension of minimum wage legislation in all civilized countries. For the principle that wages ought not to fall below the level of decent living is now all but universally recognized; the principle that it is a proper function of the State to protect the worker against such injustice is likewise quite generally accepted; and all unbiased observers realize that the majority of the underpaid workers cannot be lifted out of that condition within a reasonable time except by the method of legal enactment. (Page 174.)

Work, Wealth and Wages. *Rev.* JOSEPH HUSSLEIN, *S.J., Ph.D., Lecturer Fordham University School of Social Service. Chicago, Matre, 1921.*

The mere operation of the law of supply and demand cannot be counted upon permanently to secure a living wage for all. Neither is it attainable through the conversion of selfish capital or even through the unaided efforts of altruistic employers. The latter will often be forced to yield to the conditions imposed by competition with unscrupulous rivals. (Page 16.)

The stable attainment of a living wage for all unable to protect themselves is possible only through wage legislation. Such legislation is a tradition in the Church. Wages, in guild days, were minutely regulated by guild statutes, which, in turn, were authorized by the State or municipality. In their "Social Reconstruction" the American Bishops demand a legal minimum wage. Minimum-wage laws for women and children have been introduced into many parts of the United States and Great Britain. They had long before been successful elsewhere. . . . Such laws hardly call for any defense at the present time. (Page 17.)

The Program of Social Reconstruction Issued by the Four American Bishops Constituting the Administrative Committee of the National Catholic War Council. February 12, 1919.

Turning now from those agencies and laws that have been put in operation during the war to the general subject of labor legislation and problems, we are glad to note that there is no longer any serious objection urged by impartial persons against the legal minimum wage. The several states should enact laws providing for the establishment of wage rates that will be at least sufficient for the decent maintenance of a family, in the case of all male adults, and adequate to the decent individual support of female workers. In the beginning the minimum wages for male workers should suffice only for the present needs of the family, but they should be gradually raised until they are adequate to future needs as well. That is, they should be ultimately high enough to make possible that amount of saving which is necessary to protect the worker and his family against sickness, accidents, invalidity and old age. (Pages 232-233.)

Above and before all, he (the capitalist) must cultivate and strengthen within his mind the truth which many of his class have begun to grasp for the first time during the present war; namely, that the laborer is a human being, not merely an instrument of production; and that the laborer's right to a decent livelihood is the first moral charge upon industry. The employer has a right to get a reasonable living out of his business, but he has no right to interest on his investment until his employees have obtained at least living wages. This is the human and Christian, in contrast to the purely commercial and pagan, ethics of industry. (Page 239.)

(2) In Great Britain.

Ministry of Labour, Labour Gazette.

August, 1918.

The eight years' experience of the satisfactory results achieved by the trade boards, whose activities have proved of benefit, not merely to the workers, but to all section of the trades which worked under them, pointed to an extension of the Trade Boards Act, 1909, as the best means of meeting the situation. (Page 308.)

September, 1919.

Since the publication of an article in the August issue of last year dealing with the various amending provisions contained in the Trade Boards Act 1918, considerable progress has been made under the enlarged powers conferred by that Act. The results achieved by the Trade Boards Act, 1909, had shown that it was possible to raise substantially the wages in poorly paid industries without injuring their prosperity. (Page 369.)

Ministry of Labour. Trade Boards and the Fixing of Minimum Rates of Wages. London. January, 1920.

Effect of Trade Boards.

(1) On Wages. The experience of the existing Boards during the past eight years shows that they have raised substantially the wages of the lowest paid sections of their trades. It has been argued that the minimum rates tend to become the maximum rates, but experience has not borne out this view. On the contrary, all the evidence available goes to show that the relative number of workers in the various grades has remained about the same, and that the increase in the wages of the lowest paid sections has been accompanied by a corresponding increase in the wages of the better paid workers.

(2) On Trade. It is difficult to say what has been the precise effect on trade of the increased rates of wages

fixed by the Trade Boards; but there is certainly no evidence that they have reduced the prosperity of their industries. On the contrary, there is good reason to think that higher wages have stimulated better organization and better production on the part of the workers. Badly paid work is seldom or never good work; and the experience of the Trade Boards certainly suggests that the higher rates fixed have proved in the long run beneficial to the employer as well as to the worker.

(3) On Organization. As regards employers there is no doubt that the formation of a Trade Board has strengthened organization, both in the direction of increased membership of associations and of their fusion into strong federations. On the workers' side the effect on organization has been less marked, but there is no reason to think that the Trade Boards have retarded voluntary organization. In some trades, *e. g.*, the Tailoring trade, trade unionism has advanced rapidly since the Boards were set up. The policy of the workers' side is usually determined by the trade union representatives, so that by joining a union, the workers get better representation on the Board and more control over its actions.

(4) On Employment. The fear that the fixing of minimum rates would lead to the dismissal of the least efficient workers has not been realized in practice. The Board's power to give permits of exemption is a sufficient safeguard. There is also no evidence that the raising of rates has reduced the volume of employment or has led to the substitution of juveniles for adult labour. Both these points are naturally watched very closely by the Board, and in fixing learners' rates they ensure that there will be no temptation to replace adults by juveniles. (Page 4.)

Evidence Before the Agricultural Policy Subcommittee of the Reconstruction Committee. Great Britain. CD 9080. 1918.

Sir William Beveridge (now Director of the London School of Economics):

98. As regards the results of the Trade Boards Act, Mr. Beveridge made the following general observations:

(1) That in some of the worse-paid trades (in particular, lace finishing and chain-making) a substantial general advance of wages has been brought about. In others, where the original level of wages was higher, the advance has been less general. But in these also the Trade Boards have leveled up the rates paid by the worst employers and in the lower paid districts. There is no reason to doubt that the minimum rates fixed by the Boards are, in fact, generally observed.

(2) This has been accomplished without involving harmful effects upon any trade as a whole or hardship to any appreciable number of individuals. The power of putting inferior workers on piece-rates, together with the provision for permits of exemption for time-workers, have substantially met any difficulty of this kind.

(3) It has proved possible, even in trades which were wholly or largely unorganized, to set up fairly representative Trade Boards, and the setting up of the Trade Board has in itself largely increased the amount of organization both of the employers and of the work people. This has been particularly marked amongst employers.

(4) There is a fair amount of evidence of improvement of factory organization with a view to securing greater efficiency of production, and the higher wages have to a large extent come from this source. (Pages 15, 16.)

Report of Provisional Joint Committee Presented to Meeting of the Industrial Conference. Central Hall, Westminster. April 4, 1919. Cmd. 135. 1919.

The Committee have agreed that minimum time-rates of wages should be established by legal enactment, and that they ought to be of universal applicability. The committee took full cognizance both of the difficulties of determining on particular rates and of dealing with exceptional cases. (Pages 8, 9.)

Report of the European Commission of the National Industrial Conference Board. Chap. X, Sec. 1. Minimum Wage in Great Britain. November, 1919.

In general it may be concluded that the Trade Boards have raised wages considerably, especially among the less skilled workers.

There is no general tendency for the minimum wage to become the maximum; on the contrary, it is the wage of the poorest paid that seems to have been raised, while that of the more efficient workers was less affected. The fixing of minimum rates in these unrepresentative trades is held to have resulted also in "better organization among the employers and in improvements in the equipment and organization of their factories."*

Though prior to their extension, in 1918, they covered 375,000 workers, they cannot, because of the circumstances characterizing the industries included, be considerable factors in the industrial situation. Their chief value must always lie in the protection they afford to women and young persons in the less organized trades. (Page 174.)

* See the official view of the Board of Trade, London, in Third Report, New York State Factory Investigating Commission. Appendix III—19. Pages 243-44.

Hansard's Parliamentary Debates. Vol. 92. April 25, 1917. London.

Sir Arthur Black, M.P.:

I intend to vote for the Second Reading of this Bill, and I do so because of the Clause which deals with minimum wages.—The wages boards also set out in the Bill for providing means for paying the minimum wage were also subject to some criticism. I happen to be connected with one of the trades already scheduled under a wages board, and I know that under the regulations framed by those boards hundreds of thousands of workers in this county have secured to them a fair and reasonable wage which in many cases they would never have had apart from the operations of the wages board. Therefore if we get nothing else but this Clause under the Bill, I should think that the President of the Board of Agriculture had done a great day's work for the county, and I wish him all success. (Page 2507.)

Hansard's Parliamentary Debates. (Lords) Vol. 26. August 10, 1917. London.

Right Honorable Viscount Milner:

As to the principle of fixing minimum wages at all by a Wages Board, I know that theoretically any number of arguments may be adduced against it. They were adduced—the same arguments as we have heard to-day—over and over again when the first experiment of a minimum wage was made in this county by the Trades Boards Act of 1909. We have now had seven or eight years' experience of that Act. I think there are few people in this country who would deny that it has done a very great deal of good, and I am sure that nobody would ask for it to be repealed. (Page 330.)

Hansard's Parliamentary Debates. Vol. 107. June 17, 1918. London.

Right Honorable W. Runciman, Member from Dewsbury:

I had the privilege of working at the Board of Trade during, it is true, a very busy time, when it was impos-

sible for me to give adequate attention to the operation of the trade boards, but I saw enough during the experience I had there to feel that all the anticipation of those who introduced the original Act in 1909 had been fully justified. There was not a single trade to which the Trade Boards Act was applied where its influence had not been that of unmixed benefit, an unmixed benefit not only to those employed in the trade, but to the employers themselves. I know something by personal knowledge of one or two of these trades. In the part of the county which I represent in this House we have had some experience of the work of the Trade Boards Act, and in these trades the employers as well as the employed would never think of going back to the old laissez-faire condition by which their relations were conducted in the past. (Page 85.)

Mr. W. C. Anderson, M.P.:

These trade boards have rescued whole industries from abject squalor, and in quite a number of trades the worst forms of sweating have been abolished by agreement between the representatives of the employers and the workpeople. I could give instance after instance of what has actually been done.

I am safe in saying that quite apart from the workpeople altogether, there is not one employer who has had real experience of these boards who would wish to go back to the old chaos of industry. The boards can create the conditions which render such boards unnecessary; that is to say, the creation of these boards promotes hope, organization and self-respect in place of squalor and abject despair. (Pages 102-3-4.)

The Present Position of Industrial Women Workers. B. L. HUTCHINS. *The Economic Journal, December, 1921.*

Sir Lynden Macassey. Labour Policy False and True. London. August, 1922.

One particular class of wages questions does demand intervention by the Government. In well-ordered indus-

tries, where organisations exist effectively representing the employers and employed engaged in the industry, wages and conditions ought to be left as matters for collective bargaining. There are, however, many industries which are so scattered through the country or so subject to conditions incompatible with good organisation as to make collective bargaining impossible. In them reasonable minimum wages and conditions must be secured, and it is the duty of the Government to see that such provision is made, unless it is prepared to acquiesce in "sweated labour trades." Hitherto, the provision has taken the form of a Trade Board for the industry under the Trade Boards Act, and there is no doubt that type of organisation must continue in appropriate cases. (Page 250.)

The difficulties of the present time, which are being used as an argument against the system of Trade Boards regulation, in reality form a powerful argument for not leaving wages to be settled by caprice of the moment. The more complex the relevant considerations, the more necessary it is to have a representative authority to whom they can be referred and by whom the adjustment of wages can be effected after hearing both sides. In the absence of such an authority the weak position of workers can be taken advantage of to lower the standard irretrievably.

It is not, of course, intended here to imply that Trade Boards or the administration thereof should be exempt from criticism. No doubt mistakes have been and are being made. . . . The institution itself is one of tried and proved value. Numbers of weak and unorganized workers have been rescued from the extreme of poverty; industries regulated by Trade Boards have fewer strikes and labour troubles than have others; and, as Mr. Henry Clay pointed out in *The Times* (September 26, 1921), at the present time, when unemployment is rife, these industries have a percentage of unemployment which is well below the average.

It is an interesting set-off to the attacks that have been made, that those Trade Boards which have the

longest experience have recently passed unanimous resolutions (including, of course, the employers' representatives) recording their conviction that the operations of Trade Boards have been of advantage and benefit to all concerned, whether employer or employed, and adding an expression of appreciation of the appointed members' services. Regret in at least one case was expressed that an attempt should have been organized to cast discredit on the system. (Pages 465-466.)

The Human Needs of Labour. B. Seebohm Rowntree, *Director, Rowntree & Co., Cocoa Manufacturers, York, England. London, Thomas Nelson and Sons, Ltd., 1918.*

First, we must ask the question whether industry can afford a vast increase in its wage bill. I may remind the reader that, speaking generally, increased wages may come from one or more of the following sources:—

(1) A decrease in the cost of raw materials.
(2) An increase in selling prices.
(3) Reduction of profits, but not below the level required to attract the necessary capital.
(4) An increase in the productivity of industry, whether due to better organization and machinery, greater efficiency on the part of the workers or management, or any other factor.

The last of these is undoubtedly the most important. We cannot limit its possibilities. The war has shown that, when the need arose, huge improvements could be made with incredible rapidity in process after process; and industry could be so organized that, without adding to the strain on the individual worker, the output was enormously increased. If development in this direction continues steadily after the war, and the additional wealth created, or the economies effected, are devoted as far as possible to the payment of a living wage, we shall have taken a long step towards the solution of our problem.

Trade Boards should be set up for all industries, and instructed by statute to fix at the earliest possible date, for men of ordinary ability, minimum wages which would enable them to marry, live in a decent house, and bring up a family of normal size—which I here assume to be a family with three dependent children—in a state of physical efficiency, while allowing a reasonable margin for contingencies and recreation. This, as we have seen, will probably mean not less than 44s. a week, when prices drop to 25 per cent above the pre-war level.

I know that it will be impossible to insist on such wages at a Trade Board's first meeting. Industry must have a breathing space in which to adapt itself to fresh conditions. This, indeed, constitutes the argument for fixing wages by a number of Trade Boards rather than by the enactment by Parliament of a flat rate. But a definite limit must be set to the breathing space. Doubtless sweeping changes must take place in many industries before they can conform to the new policy; but if it is inflexible, those changes will be made. Industry, after all, exists for citizenship, not citizenship for industry. (Pages 136-139.)

Report of a Conference of Employers Chiefly Members of the Society of Friends Held at Woodbrooke, Birmingham. April 11-14, 1918.

[The minimum or basic wage] should be determined primarily by human needs; [wages above the minimum] by the value of the service rendered.

The basic wage for adult women of average industry and capacity should be the sum necessary to maintain her in a decent dwelling and in a state of full physical efficiency, and to allow a reasonable margin for contingencies and recreation. (Page 132.)

We believe that the payment of such wages should be regarded by employers as a necessary business liability. Till that is discharged they should very strictly limit the remuneration for their own services, nor should they pay larger dividends upon borrowed capital than is essential to ensure an adequate supply. (Page 132.)

Conference of Bishops of the Anglican Communion. Report of the Committee Appointed to Consider the Opportunity and Duty of the Church in Regard to Industrial and Social Problems. London. 1920.

We reaffirm the principles commended in an index to the 1908 Report. The Christian Church, which holds that individual life is sacred, must teach that it is intolerable to it that any part of our industry should be organized upon the foundation of the misery and want of the laborer. The fundamental Christian principle of the remuneration of labor is that the first charge upon any industry must be the proper maintenance of the laborer—an idea which it has been sought to express in popular knowledge by the phrase, "the living wage."

This must not be interpreted as a bare subsistence wage. There must be sufficient to live a decent and complete, a cleanly and noble life. (Pages 70-71.)

Christianity and Industrial Problems. Being the Report of the Archbishops' Fifth Committee of Inquiry. London. 1918.

We think that it is the duty of the nation to take without delay such steps as may be necessary in order to secure a full living wage and reasonable hours of labour to all workers in industry, and that it is the duty of Christian men and women to press for the establishment of such conditions by all means in their power.—We hold that the payment of such a wage in return for such hours of work ought to be the first charge upon every industry.

At the same time, it is necessary that steps should be taken to raise the wages of the more poorly paid workers. To indicate upon what lines such steps should proceed, we would refer our readers to the experience derived from the administration of the Trades Boards Act of 1909.—Such Trade Boards have now been established in eight industries in England, and five in Ireland, and their number is likely, we understand, to be considerably increased in the near future. They have played

an important part in stimulating and giving practical effect to the public opinion of the trades in which they are established, and have enabled the higher standards of certain districts to raise the lower standards of others. They have largely increased the earnings of a large number of poorly paid workers, with the approval both of those employed and of the majority of employers. By establishing a minimum below which wages cannot be driven, they have enabled workers who previously were too poor or too helpless to organize to protect themselves by combination, and to obtain by trade unionism rates considerably above the minimum fixed by the Boards. (Pages 75-77.)

Christian Social Reconstruction. A Statement of Principles and Proposals put forward by the Interdenominational Conference of Social Service Unions [of the Baptist, Catholic, Christian, Congregational, Friends, Unitarian, Presbyterian, Primitive Methodist, United Methodist and Wesleyan Methodist Churches]. London. 1918.

[The] more flagrant abuses [of the wage system] may to some extent be remedied by a gradual and prudent extension of the Trades Board system and by the giving of a legal sanction to a minimum standard in the manner of the Coal Mine Act. (Pages 5-6.)

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. Minimum Rates of Wages of Agricultural Laborers in England and Wales. Vol. XI, No. 2. August, 1920.

It is stated that no really satisfactory comparison with figures for 1914 can be made, but a comparison of the minimum wage for 1920 with the average wage for 1914 shows an increase of 140 per cent, the matter of hours not being taken into consideration. It is believed, however, that the actual increase was substantially greater. (Page 85.)

(3) In Australia.

The Australian System of Dealing with Labor Disputes. GEORGE BEEBY, *Minister of Labor for New South Wales. The Survey. June 7, 1919.*

To understand the Australian system it is necessary to realize that the county generally has accepted three definite industrial claims as now beyond dispute.

3. The recognition of the principle of a living wage in all industries—that is, the drawing of a line below which competition in the labor market is illegal, but above which ordinary economic forces come into play. (Page 399.)

A New Province for Law and Order. III. HENRY BOURNES HIGGINS, *High Court of Australia, Melbourne. (President since 1907 of the Court of Conciliation and Arbitration.) Harvard Law Review. December, 1920.*

Even employers are at last beginning to recognize the advantages derived from the existence of an impartial tribunal, such as the Court, so far as it reduces to system and order the conditions under which human life can be used for the purposes of industry. Recently, the Metropolitan Gas Company of Melbourne published a statement as to the value of minimum rates of wages being fixed by such an authority—a statement which would certainly not have been made when the gas employees first came before the Court and the company was doing all it could to crush the infant union:

"It must be apparent that employers generally, and the controllers of public utilities in particular, must have the guidance of some constituted authority to establish rules governing the fixation of the basic wage, and that once a principle is adopted it should be adhered to until some better method is found. . . . It has been claimed by the worker that the Arbitration Court is not an ideal tribunal; but it must be admitted that up to the present it has been of inestimable benefit to the employees." (Page 114.)

Employers' Federation of New South Wales. Report of Annual Meeting. 13th November, 1919.

Report of Employers' Conference on Industrial Relationships.

After full consideration this Conference is of the opinion that the following principles applied to our industrial activities might prove of value as a means of promoting that harmony in our industrial life which is so essential to the progress and prosperity of the Commonwealth.

1. The continuation of the present system of Arbitration Tribunals for fixing the Living Wage, and for settling the Standard Wage and working conditions in each industry. (Page 22.)

The Church and Socialism. Rev. JOHN A. RYAN. *Washington, 1919. Essay entitled "The Legal Minimum Wage."*

The compulsory arbitration laws of New Zealand and of some of the Australian states embody the principle of a legal minimum wage, inasmuch as the rates fixed by the arbitration courts are the lowest that any employer is permitted to pay throughout the trade involved in the dispute and the award. Despite their limitations, these laws have been successful not only in securing industrial peace, but in maintaining decent wages in all trades affected. This is the verdict of all impartial observers. (Pages 94-95.)

Minimum Wage Study. Ohio Council on Women and Children in Industry. 1920.

Most students of the Victorian system of wages boards, who have investigated conditions at first hand, have agreed in regard to certain important results of the system, while perhaps not in full accord in regard to other consequences. There may be said to be general agreement in regard to the following results:

1. The prevention of "sweating" which was the original purpose of the legislation has been accomplished, although some writers are inclined to argue that general business prosperity, rather than the wages boards, is mainly responsible for the elimination of this evil. Inasmuch, however, as "sweating" did continue in certain occupations until the Victorian Anti-Sweating League called Parliament's attention to the matter and secured the appointment of wages boards in these occupations, it must be presumed, in the absence of specific evidence to the contrary, that the wages boards were responsible for the disappearance of sweating.

2. That wages have increased in those trades in which the wages boards exist is always admitted. The further fact that the wages have increased more rapidly in the trades with wage boards than in those without them creates a strong presumption that the wages boards are partly responsible for the increase. The increase of wages has, of course, been mainly in the class of the low-paid workers.

3. Strikes are much less frequent in the trades governed by wages boards, the Government statistics show. This is not because the law forbids strikes, for it does not do so, although it does provide the Court of Industrial Appeals may suspend the operation of a wages board's determination while a strike is in progress in that trade. The reason why strikes are relatively infrequent is that since wages and hours have been fixed by the boards, the motives to strike have been largely eliminated.

4. The more recent investigators of the industrial situation in Victoria all agree that the industrial progress of the State has not been adversely affected by the work of the wages boards and that employers' objections to the law have largely disappeared. Many of them give their warm approval to the plan, for it puts all employees in a given trade on terms of equal footing in the matter of wages and thus raises competition to a higher plane.

[Written by M. B. Hammond, Ph.D. of the Ohio State University.] (Pages 3-4.)

(4) In Canada.

Canadian National Industrial Conference of Dominion and Provincial Governments with Representative Employers and Labour Men, on the subjects of Industrial Relations and Labour Laws, and for the consideration of the Labour Features of the Treaty of Peace. Ottawa, September 15-20, 1919.

Message of Sir Robert Borden. Prime Minister of Canada:

It is perfectly idle to expect that grave and difficult questions will not arise between employer and employed in this country. Those questions must be solved in such reasonable manner and by such effective methods as will command the confidence of both capital and labour. On the one hand employers must realize that out of the horror and welter of this war new ideals have been evolved and new conditions established. Industrial development and supremacy have sometimes been purchased at a price greater than any people can afford to pay. I am speaking not of conditions in this country, but of those which, to my knowledge, have prevailed elsewhere. The physical degeneracy of a considerable portion of the population is too high a price to pay for domination of the world's markets. If in any lines of industrial development we cannot hold our own without so terrible a sacrifice, then such lines ought to be abandoned and our effort directed elsewhere. Labour is something more than a commodity. The physical well-being and the moral welfare of the people should go hand in hand. Standards of living which are regarded as satisfactory in some industrial communities of the world cannot be tolerated in this country. The employer if he is wise, will concern himself with all the recommendations* and suggestions laid down in the Peace Conference as to hours of labour, sanitary conditions, protection of

* Report of Committee on Minimum Wage Laws—adopted unanimously:—Therefore be it resolved that this Industrial Conference recommend to the Governments of all those provinces, which have not adopted Minimum Wage Laws for Women and Children, the speedy investigation of the necessity for such laws, and, if so found, the enactment of such legislation. (Page viii.)

women and children, and the general welfare of the labouring man. There can be no permanent or satisfactory industrial development which is not founded on the welfare of the labouring population which maintains it. (Pages 6-7.)

The Labour Gazette. The Department of Labour, Canada. Volume XX. Number 5. May, 1920. Uniformity of Labour Laws. Report of the Dominion-Provincial Commission Appointed to Consider the Subject.

IV. Minimum Wages for Women and Girls.

We approve the principle of a minimum wage for women and girls, and recommend that a competent authority be created in each Province in the Dominion to establish a minimum wage adequate to maintain self-support for women and girls, and such authority shall be empowered to fix the hours of employment for such women and girls not already provided for by legislation, and further recommend that such hours of employment should not exceed 48 per week except of employees engaged in domestic or agricultural employment. (Page 546.)

Canadian National Industrial Conference of Dominion and Provincial Governments with Representative Employers and Labour Men, on the subjects of Industrial Relations and Labour Laws, and for the consideration of the Labour Features of the Treaty of Peace. Ottawa, September 15-20, 1919.

E. Parnell (Winnipeg), representing manufacturing interest in general:

In the caucus held at the hotel the gentlemen representing the manufacturers agreed by unanimous consent, without any hesitation at all, to the arrangement that women and children should have a minimum wage. There was practically no discussion about it, and I want to give those gentlemen credit for their decision. (Page 109.)

I propose to discuss the relation of the minimum wage to labour conditions. The view which has long prevailed that labour is but a part of the finished product, and must of necessity be treated on the same basis as the materials which go to make the finished article, without any regard as to whether the labourer is enabled to get from the wage paid the necessaries of life, is one that in my opinion must be discarded; in other words, labour should no longer be treated merely as a commodity.

I am well aware that I will be confronted with the statement that in this age of competition it is impossible to run a business successfully along these lines, and that industry can only pay according to the ability of the employee to produce; that, if you adopt a minimum wage, what will become of those unable to earn it; that it would generally retard employment for the reason that greater cost affects competition, and that employers are unable to stand the abnormal wage. My answer is that the minimum wage is now in force in this country in many factories; it is given voluntarily to the men, by statute to the women, and it has not been found to work to the detriment of either employer or employee. On the contrary, the employee has had a wage which has enabled him to get a better standard of living, he has had more strength to attend to the duties he has to perform, and has had a contentment in his heart that has led to greater efficiency which has fully compensated the employer for any loss he may have seemed to sustain.

The commission's report* makes a recommendation that a minimum wage should apply to women, girls and unskilled labour. With reference to the latter class, while I have stated that it is now worked out voluntarily in some industries as it relates to males, still it is to a large extent in the experimental stage as far as they are concerned; but with regard to females it is now past the experimental and is found to be working quite satisfactorily, as is evidenced in the province of Manitoba, from which province I come. (Page 110.)

* Report of a committee of the Conference. (Page 186.)

6. Prophecies of Evil Disproved by Actual Experience.

(1) Business Not Hurt But Helped.

Elimination of waste and increase in production can more than offset wage increases due to minimum wage legislation. Waste and consequent decrease in production attributable to management, to summarize the Hoover report on "Waste in Industry," lie in faulty management of materials, plant, equipment and men; interrupted production; and restricted production intentionally caused. Lost production is also caused by ill health, physical defects and industrial accidents. In Part III (3) of this brief is shown the close connection between low wages and ill health.

British experience (Pages 314-327) clearly shows that minimum wage laws are a direct incentive to reduce waste.

By Decreasing Waste in General.

Waste in Industry. Committee on Elimination of Waste in Industry of the Federated American Engineering Societies. Washington, D. C. Part I. Summary of Detailed Report. Federated American Engineering Societies, 1921. Chapter II. Sources and Causes of Waste.

Four Aspects of Waste in Industry.—Waste in industry is attributable to

1. Low production caused by faulty management of materials, plant, equipment and men.
2. Interrupted production, caused by idle men, idle materials, idle plants, idle equipment.
3. Restricted production intentionally caused by owners, management or labor.
4. Lost production caused by ill health, physical defects and industrial accidents.

Relative Responsibilities.—Management has the greatest opportunity and hence responsibility for eliminating waste in industry. The opportunity and responsibility of labor is no less real though smaller in degree. The opportunity and responsibility chargeable to outside contacts can not be so clearly differentiated or evaluated. The relative measure of these is shown by the quantities in the following table which come from the composite evaluation sheets in the engineers' field reports.

Industry Studied	Responsibility assayed against Management, Points*	Responsibility assayed against Labor, Points*	Responsibility assayed against outside contacts (the public, trade relationships, and other factors) Points*	Totals, Points
Men's Clothing Mfg.	48.33	10.50	4.95	63.78
Building industry	34.30	11.30	7.40	53.00
Printing	36.36	16.25	5.00	57.61
Boot and Shoe Mfg.	30.25	4.85	5.83	40.93
Metal Trades	23.23	2.55	2.88	28.66
Textile Mfg.	24.70	4.70	19.80	49.20

From the preceding table are derived percentage values for each of the agencies against which responsibility is assessed, as follows:

Industry Studied	Responsibility assayed against management	Responsibility assayed against labor	Responsibility assayed against outside contacts (the public, trade relationships, and other factors)
Men's Clothing Mfg.	75%	16%	9%
Building Industry ..	65%	21%	14%
Printing	63%	28%	9%
Boot and Shoe Mfg..	73%	11%	16%
Metal Trades	81%	9%	10%
Textile Mfg.	50%	10%	40%

The quantities presented above justify the following statement: over 50% of the responsibility for these

*The relative responsibilities have been evaluated in "points." A theoretical total of 100 points represents all possible waste. As no plant is or could be entirely wasteful the number of points assigned in any case must be less than 100.

wastes can be placed at the door of management and less than 25% at the door of labor, while the amount chargeable to outside contacts is least of all. It must be recognized that if management is to meet this responsibility fully it must have the co-operation of labor.

In every industry studied there are outstanding examples of good management but the bulk of the industry does not approximate this standard. In the clothing industry, for instance, one plant was rated by the engineers 57 points higher than the worst one studied and 42 points better than the average.

The following table gives a comparison for each industry studied of the total number of points assessed as waste in the best plant investigated, compared with the average of all the plants.

Industry	Points assayed against the best plant studied Points	Points assayed against the average of all plants studied Points	Ratio best to average
Men's Clothing Mfg.	26.73	63.78	1:2
Building Industry ...	30.15	53.00	1:1½
Printing	30.50	57.61	1:2
Boot and Shoe Mfg..	12.50	40.83	1:3
Metal Trades	6.00	28.66	1:4½
Textile Mfg.	28.00	49.20	1:1½

These tables present the consensus of opinion of the engineers engaged in field studies to the effect that the average of management is much below the standards set by certain individual executives who have achieved notable success.

It must not be assumed that these points or ratios are valid in comparing the waste in one industry with that in another. They are useful only in making a comparison of waste in plants within the industry where they were assessed.

Low Production

Faulty Material Control.—In certain industries the waste of materials is a serious drain on production—a

fact which is revealed by a comparative study of plants in the same field.

The methods of control which are common in the shoe industry account for the greatest loss in shoe production, with the possible exception of seasonal demand and production. Firms leave it to the cutters to economize in leather. Where standards are in use, waste frequently occurs through carelessness and lack of training of cutters. The loss from idleness in shoemaking occasioned by waiting for work and material amounts to some 35% of the time. (Pages 8-10.)

Faulty Design Control.—The defective control of design results in a major waste, since it prevents standardization of product. In the building trades, for example, while the standardization of dwellings and other types of buildings is not generally practicable, yet certain details are entirely capable of standardization. Standardization of the thickness of certain walls might mean a saving of some $600 in the cost of the average house. . .

Among current magazines there are 18 variations in width and 76 in length of page or column. Among trade paper publications there are 33 variations in width and 64 in length. Among newspapers there are 16 in width and 55 in length. These variations cost the public not less than a hundred million dollars each year.

The standardization of newspaper columns to one size would make possible an annual saving of $3,000,000 to $5,000,00 on composition and plates alone. (Page 11.)

Faulty Production Control.—The lack of adequate methods of production control is evident in every industry studied. It is one of the outstanding weaknesses. . . The lack of effective planning and administration in one large typical plant wastes one-fifth of the worker's time. . . .

A shoe factory having a capacity of 2,400 pairs of shoes a day could turn out for a considerable period only 1,900 pairs because of shortage of needed racks. Another factory had 50,000 pairs of shoes tied up in the fitting room instead of the normal 15,000 because of congestion of

operations. In another case a factory producing 700 pairs of shoes a day had 36,000 pairs in its fitting room, or ten times the normal supply. An entire factory was held up for several days waiting for leather heels.

From shop records it is found that the average loss in clothing factories during running time, not including shut downs, is between 30 and 35%. If we call 80% running time the maximum readily attainable, this means a possible increase of nearly 20% in productive capacity, and a similar increase in plant capacity.

It is found that at least ten hours per week per man is thrown away on energy-wasting and time-wasting work resulting from lack of shop methods, while an additional two or three hours per man per week are wasted in unnecessary work.

Fixing the value of annual output in the men's ready-made clothing industry at $600,000,000 it should be relatively easy to save three-quarters of a million dollars a day, an increase of 40% in effectiveness. . . .

Lack of Cost Control.—The majority of the industrial plants studied lack a knowledge of costs and have no cost control. Therefore there is no adequate method of judging fairly and accurately when improvements are needed and when waste is occurring. . . .

Lack of Research.—While certain industries are ahead of the rest in plant research, the need for more intensive research activity is apparent in every industry. One industry which is backward in this respect is clothing. . . .

Faulty Labor Control.—With perhaps two or three exceptions, shoe shops have no departments maintaining modern personnel relations with the employees.

A high labor turnover is a rough index of one of the common wastes resulting from inadequate labor management. No facts are available to show the extent of labor turnover as an unavoidable element in industrial waste. . . . In the shoe industry the cost of training an inexperienced man for cutting upper leather in a well managed shop is $576; for a semi-experienced man, $450; and to

install an experienced man in a different shop costs $50. For the average shop these figures are unquestionably low.

The average labor turnover for the year 1920 in the metal trades plants covered (wherever records were kept, which was the case in less than half of the plants), was 160%—figured in most cases as the ratio between the number of "separations" and the average number of employees on the payroll. The highest turnover was 366%. . . .

Another fault in labor control is improper or inadequate rate setting. In negotiations and controversies between employer and operator in the shoe industry, what stands out is the lack of knowledge of facts which can be used as a basis for setting rates. (Pages 12-14.)

Ineffective Workmanship.—Still another loss resulting in low production arises from inefficient workmanship; for much of this management is responsible through failure to provide opportunities for education of special training. (Page 15.)

Interrupted Production.

Idle Men.—(1) *Minimum Unemployment.*—The amount of idleness or unemployment in industry can only be evaluated through rough estimates. There is no national machinery for collecting the facts.

But in the best years, even the phenomenal years of 1917 and 1918 at the climax of war-time industrial activities, when plants were working to capacity and when unemployment reached its lowest point in twenty years, there was a margin of unemployment amounting to more than a million men. This margin is fairly permanent; seemingly one or more wage earners out of every forty are always out of work.

This unemployment means for the worker a loss in wages, for industry increased overhead due to idle equipment and idle materials, and for the public a lessened purchasing power, with all its attendant evils.

(2) *Unemployment Caused by Industrial Depressions.*—During periods of industrial and business depressions, unemployment reaches its greatest amount . . . and each brings its increase in unemployment and wastage of the productive capacity of industry. (Page 15.)

(3) *Intermittent Unemployment.*—In addition to minimum and climacteric unemployment, many essential industries show a high unemployment or idleness once a year or oftener. Practically all industries are in a sense seasonal.

To present a few examples: The clothing worker is idle about 31% of the year; the average shoemaker spends only 65% of his time at work; the building trade workman is employed only about 190 days in the year or approximately 63% of his time; the textile industry seemingly has regular intervals of slack time; during the past 30 years bituminous coal miners were idle an average of 93 possible working days per year.

During the exceptional year of 1919, in the paper box industry 4,311 employees in 77 establishments averaged 90% of full time; in the women's clothing industry 6,772 women workers employed in 157 establishments averaged 91%; in the confectionery industry 12,152 workers in 101 establishments averaged 87%; and in the overall industry 6,546 workers in 129 establishments averaged 87% of full time. In the brick, chemical and glass industries the percentage of full time worked was 85, 84 and 87, respectively. In most years the percentage of lost days is much larger.

Not only does intermittent unemployment reduce the productive capacity of the industry in which it exists, but it brings other wastes. One consequence is a concrete but fallacious industrial philosophy, the "make work" or "lump of work" theory. This is the belief that there is only so much work to be done and that the sensible course of action is to retard production to make employment last throughout the year, or to uphold prices.

(4) *Unemployment Due to Labor Disturbances.*—Another form of unemployment comes from open conflict be-

tween management and labor. Here it should be said that in the past, at least, the amount of waste from the general run of strikes and lockouts through loss of wages and curtailment of production has been less than is popularly supposed. (Page 16.)

In New York State in 1916 two days were lost per capita per year by those classed as gainfully employed, because of strikes. This was a loss only one-fifth as serious as average time lost through illness. In the same state in 1918 about 32% of the time lost from strikes and lockouts was in the building and clothing industries.

In addition to the direct loss of time, however, there is a loss incurred through retarded production previous to and immediately following strikes. . . .

Idle Material.—The waste of idle material through deterioration, obsolescence and carrying charges is large, particularly where there are great inventories of both raw material and finished goods. Unbalanced production is another notable cause of idle materials and consequent waste.

Idle Plants and Equipment.—Unsound production policies result in wasteful over-equipment.

Clothing factories are built 45% larger than is necessary; printing establishments are from 50% to 150% over-equipped; the shoe industry has a capacity of 1,750,000 pairs of shoes a day, and produces little more than half that number; throughout the metal trades, standardization of products would permit of large reductions in plant and equipment. . . .

Restricted Production

Production Restricted by Owners and Management.—Some of the evils of restricted production are chargeable to owners and management. In the building trades, contractors, builders and supply dealers have restricted production by maintaining high prices, collusion in bidding and unfair practices. At times there has been collusion between employers and labor, tending to raise prices un-

duly. The waste from these causes cannot be measured in this study.

By Labor.—Restrictions of individual output for which workers are responsible are susceptible of measurement. They are of two kinds. On the one hand, when workers are scarce the less conscientious workers become independent and slacken speed, whereas when workers are plentiful, they work with greater diligence and care for fear of unemployment. On the other hand, the dread of unemployment is so pronounced that employees engaged in seasonal enterprises frequently restrict production in order to make employment last longer; some workers, moreover, through consideration for their fellow employees limit production to provide work for them, a practice which ultimately results in an economic loss. (Pages 17-18.)

Lost Production.

From Ill Health.—. . . Assuming that the average life has, aside from all spiritual and human values, an economic value to industry of not less than $5,000, and assuming that the special diet, care, and medical attention required by a man chronically ill costs $3 per day, it has been estimated that the economic loss from preventable disease and death is $1,800,000,000 among those classed as gainfully employed—or over $700,000,000 among industrial workers in the more limited meaning of the term. (Page 21.)

From Industrial Accidents.—In 1919 there occurred in industry about 23,000 fatal accidents, about 575,000 non-fatal accidents causing four weeks or more of disability and 3,000,000 accidents causing at least one day's disability. The figures for 1918 were about 13% higher.

The time lost is estimated to be 296,000,000 days. Allowing for an average wage of $4 per day during the time actually lost, adding an estimate for impaired earning power because of disability or death, but subtracting the subsistence of those killed, this gives an economic

loss to the country of about $853,000,000 for the year 1919. (Page 22.)

By Increasing Efficiency.

Outlines of Economics. RICHARD T. ELY, PH.D., LL.D., *Professor of Political Economy in the University of Wisconsin. Revised and enlarged by the Author and* THOMAS S. ADAMS, *Ph.D.*, MAX O. LORENZ, *Ph.D.*, ALLYN A. YOUNG, *Ph.D. New York, Macmillan, 1920.*

The supply of labor is not, however, merely a matter of the number of available laborers; it is also conditioned by their efficiency. The physical strength and vigor, industry, intelligence, ingenuity, and moral qualities of the laboring population determine the amount and kinds of work they can do. These things vary greatly as between different races and as between different individuals of the same race. They are not entirely a matter of heredity, for they can be influenced greatly by the physical and social environment. So far as high wages mean more and better food, and improve the other conditions of living, they tend to increase physical and mental efficiency, and thus to increase the quantity and better the quality of labor that can be got from a given population. There may often be, even when we take only production into account, a real economy in high wages. (Page 433.)

Moreover, a high standard of life is, as we have seen, one of the things that make for productive efficiency on the part of the laborer, and hence tend to increase his earning capacity. (Page 439.)

Great Britain. Ministry of Health. On the State of the Public Health. Report of the Chief Medical Officer for the Year 1921. London, 1922.

IX. Relation of Food to Health and Disease. Conclusion.

(i) In buying food the worker is buying health and energy—the power to be well and to do work;

(ii) A slight reduction in quantity or quality of food below that which is necessary and wholesome causes a relatively large diminution in the working efficiency of the individual; . . . (Page 86.)

Great Britain. Ministry of Munitions. Health of Munition Workers Committee. Interim Report. Industrial Efficiency and Fatigue. London, 1917. Part I. Industrial and Statistical Studies.

4. Incentives to Work, with Special Reference to Wages.

1. The rate of output, which is frequently, even for individuals, a measurable quantity, may be an indication of the presence or absence of fatigue; and the occurrence of sickness, as indicated by irregular timekeeping, and of injuries, may be some measure of the health and efficiency of operatives; but of all the varied influences affecting the health and efficiency of munition workers, the Committee have found that of *incentives to work* the most intricate and difficult to investigate. Nevertheless, the subject is of such immediate importance as to demand consideration.

2. The inclination to work rather than to be idle, even though this inclination is a variable quantity in different individuals, is an important natural phenomenon, as important as the desire for rest which follows work at periodical intervals. Various incentives, such as the necessity to earn a daily livelihood, may reinforce this inclination, and some incentives are operative to-day which are peculiar to the present crisis. . . .

3. Whatever the original motive to undertake munition work may have been, the vast majority of operatives so employed to-day earn their living thereby; and the stimulus systematically used as a reward for work done and to procure even greater activity is payment of wages. Any discussion of wages from the standpoint of political economy would be foreign to the scope of the Committee's deliberations, though they recognize that considerations of the greatest moment must, on this

ground, be excluded from the present study; but they have constantly found that the health, i. e., the absence of sickness, physical and mental, and efficiency of workers is influenced by their earnings, and that output, which has been closely investigated as an indication of fatigue, may be influenced by the wage system in force. They have therefore, considered it desirable to state how far they have found the efficiency of workers affected by the method of remuneration adopted. (Pages 69-70).

The Present Position of Industrial Women Workers. B. L. HUTCHINS. *The Economic Journal. London. December, 1921.*

No doubt rising costs of production at home, and the difficulties which the results of war and the nature of the Peace settlement have placed in the way of foreign trade, are giving some manufacturers a great deal of trouble, and the reduction of wages of the weaker classes of workers may be regarded as the simplest expedient for easing the transition. But it is also a disastrous and extravagant one, as it tends to lower the efficiency not only of the women workers themselves, but of the next generation. (Page 465.)

The personal efficiency of workers can also be improved through bettering the environment. Given time for the change to take effect, the productivity of industry can undoubtedly be increased in this way. A great deal has been written on this subject, but its importance is still imperfectly appreciated. Thus, in a Report on the Causes and Conditions of Lost Time, Professor Loveday emphasized the opinion that sickness as a factor of lost time is under-estimated, and slackness over-estimated. If ill-health of workers spells economic loss to employers, healthy conditions and sufficient rest must be financially important. . . . It will be remembered also how markedly the industrial efficiency of women improved under the influence of the better pay and conditions given during the War, especially in munition work and engineering. (Page 468.)

Labour and Capital After the War. Edited by S. J. CHAPMAN, *Professor of Political Economy, University of Manchester. London. Murray, 1918. Ch. X. B. Seebohm Rowntree.*

Now, in pursuing the quest for industrial efficiency, the first problem that meets us is that of the level of wages. Men work, as a rule, to earn wages, and the whole relationship between Capital and Labour is very largely determined by the wages that are paid. Here, the primary condition to be fulfilled is that, with the least possible delay, all adult workers of normal ability shall receive as an absolute minimum a reasonable living wage. By this I mean a wage which will enable a man to maintain a family of normal size in a state of physical efficiency, and allow a small margin for recreation and incidental expenses. With prices as they were in July, 1914, I should place the cost of providing the bare necessities of physical efficiency at about 26s. a week, allowing 5s. for rent, but this is on a very stringent basis and provides not a farthing for contingencies nor for recreation or any kind of luxury. A considerable addition must be made to this sum to turn this bare physical efficiency wage into a reasonable wage. Moreover, it must be remembered that the cost of living is very much higher now than it was and is not again likely to drop to the level of July, 1914.

A woman should receive at least sufficient to maintain herself in respectable surroundings, and to allow some margin for recreation. Assuming that a woman, if not living at home, lodges with a family, I should place her minimum wage, just prior to the war, at about 16s. (Page 234.)

By Utilizing Defectives.

Federal Council of the Churches of Christ in America. Commission on the Church and Social Service. Research Department. Information Service. January 13, 1923.

Employment of Cripples in the Ford Plant.

The undertaking of the Ford Motor Company profitably to employ cripples and persons suffering from various physical handicaps in the automobile industry is described at some length in the New York *World* for January 7, in an article by William M. Stidger, a well known Detroit minister. Mr. Stidger records that Mr. Ford consistently refuses to give to charity because he does not believe in it; that is to say, he is interested rather in making the handicapped person productive. This undertaking is in no sense disguised charity. There are cripples at work on jobs for which they are well adapted who can produce just as much as a physically normal worker. Blind men are working at the regular wage scale at jobs which Mr. Ford proved they can do quite as well as men who see. It is a Ford employment policy that no man should be turned down on account of a physical defect and that no man should be discharged because of such disability. "We do not prefer cripples," says Mr. Ford, "but we have demonstrated that they can earn full wages." Even tubercular patients, Mr. Stidger records, are employed in the plant, provision being made for the isolation of those who could not safely be allowed to mingle with the other workers. More than a thousand tubercular patients are now employed by the company. Convalescents in the Ford hospital are also allowed to work, fitting nuts and bolts, with a black oilcloth over the hospital beds and on their laps. It is reported that this makes recovery quicker and kills monotony of the convalescent period. Deaf mutes are also employed with a very high relative efficiency.

All this means that Mr. Ford has had careful job analyses made throughout his plant. The jobs are classified with reference to their requirements in physical exertion. In this way it has been found that 670 jobs can be performed by legless men, 2,637 by men with one leg, 2 jobs by armless men, 715 by men with one arm, and 10 by blind men. Actually at work on these jobs are 9,563 "sub-standard" men. (Page 3.)

By Preventing Deterioration of Labor Supply.

U. S. Department of Labor, Children's Bureau. Standards of Child Welfare. Bureau Publication No. 60. 1919. Wage Principles. Professor F. S. DEIBLER, *Northwestern University.*

Ordinarily, in the case of material goods, if the price does not cover the cost of production, the goods will no longer be produced. But unfortunately we already have a supply of labor, and we will continue to have a supply, even though the cost of maintaining it in a state of physical efficiency is inadequate; even though that cost in the form of wages is not sufficient to maintain laborers in a state of physical efficiency. Excessively low wages will result in a gradual deterioration of the character of the labor supply and will result eventually in a depreciation of the productivity of industry. (Page 116.)

By Lessening Labor Turnover.

Wages for Women Workers. MARY ANDERSON. *Annals of the American Academy of Political and Social Science. January, 1919.*

Another beneficial result of paying adequate wages that should be mentioned is the immediate decrease in the "labor turnover" which means the constant hiring of large numbers of workers to take the places of those who leave. The greatest number of employees leaving their place of employment can be found without a doubt in the establishments where wages are so low that men

and women cannot maintain themselves and their families in health, thereby becoming a charge upon society as a whole through the medium of charitable organizations, in order to supply the difference between their actual wage and a living wage. This can at its best be done only in a very meager way for a limited time. It is conceded by all enlightened employers of labor that there is not only a large cost in constantly training people in an industry, but that there is also a decided reduction of product due to the continuous introduction of new and untrained workers. This very expensive process could be eliminated if the money and time spent in "hiring and firing" and training could be added to the wages of the employees. (Pages 127-128.)

By Decreasing Labor Troubles.

The Human Factor in Business. B. Seebohm Rowntree, *Director, Rowntree & Co., Cocoa Manufacturers, York, England. London, Longmans, Green & Co., 1921.*

If we desire industrial peace; if we wish men to get on with their work whole-heartedly, instead of "devoting 60 per cent of their time to doing their work and 40 per cent to doing the boss," their grievances must be removed. When that is done, we shall not be seriously troubled with imaginary grievances: for it is curious how these are apt to disappear with the real ones. In the preceding pages I have indicated the principal conditions which must be observed if we are to secure industrial peace. First, there must be a basic wage which will enable men to live in reasonable comfort, and then careful adjustment of wages above this minimum, according to the value of the service rendered. (Pages 151-152.)

Already wages in thirty-eight industries are regulated by Trade Boards. I would urge employers on these Boards, as well as other employers whose wage rates are still unregulated by statutory action, to aid in hastening the day when low wages are a thing of the past. Not until then can we hope for, *or should we desire,* industrial

peace. If only the workers in low-paid industries who are trying to secure higher wages felt that employers were endeavouring, no less earnestly, to achieve that end, there would be much less electricity in the air!

I refer to wages first because, until these are fixed on a basis which the normal workman regards as fair, it is futile to look for harmony. Wages, however, are only the foundation-stone of the industrial "palace of peace." (Page 153.)

It may be urged that it is futile to discuss any means of securing industrial peace which involves an addition to wages. As to this, I will make two observations. First: if there were *real* industrial peace,—not merely a suspicious abstention from open hostility, but the kind of peace that leads to cordial cooperation,—wages might be increased without a corresponding increase in the cost of production. Secondly: I do not suggest that wages should, in all cases, be immediately advanced. The advance, if necessary, can be made gradually, as circumstances permit. The point of importance is that the workers shall know, beyond the shadow of a doubt, that the employer, on his own initiative, recognizes his responsibility in the matter, and is straining every nerve so to increase the efficiency of his business as to enable him to pay an adequate minimum wage. If they are convinced of this, they will be willing to wait. What leads to unrest is indifference on the part of the employer to the human needs of the workers, and his refusal to raise inadequate wages save under the pressure of a strike or the threat of a strike. Such employers often protest that to raise wages will ruin their business. But the strike succeeds, wages are forced up, and the business continues to provide adequate profits. Is the anger of the workers surprising? (Page 469.)

Poverty and Social Progress. MAURICE PARMELEE, *Ph. D., New York, Macmillan, 1916.*

Such legislation [minimum wage] has doubtless driven some sweated industry out of existence. But

better still it has kept some of this industry in existence by forcing the employers to raise their standards of efficiency. So long as they could employ labor at an excessively low rate of wages, there was no pressure upon them to introduce recent labor-saving devices. But when they were forced to pay higher wages, it became necessary for them to introduce machinery and other labor-saving devices in order to make a profit. Furthermore, the increase in the wages of the employees has almost always increased their efficiency, so that it has been possible for the industry to survive without raising the price of the product for the public, with profits for the employer, and with a higher wage for the employee.

As to whether or not this has been accompanied by an increase in unemployment it is very difficult to say, since the causes and conditions of unemployment are very complex. So far as we have any data on the subject, they seem to indicate that minimum wage legislation has not increased unemployment and the demand for charitable relief. (Page 370.)

By Increasing Production.

The Elements of Social Justice. L. T. HOBHOUSE, *D. Lit., LL.D.* MARTIN WHITE *Professor of Sociology in the University of London. London, George Allen & Unwin, Ltd., 1922.*

Every increase of wages threatens to exclude a certain number of workers. But experience shows that ordinarily the number excluded is in the end very small if not nil. For over several generations substantial increases of real wages have taken place, and there is no evidence of permanent increase of unemployment. The reason is that the better remuneration of the worker not only improves his personal efficiency and that of his children, but also modifies the industrial organization. In a system which is still in the main competitive, it eliminates the methods which only pay with low wages and substitutes higher organization. It causes, as we

might expect, a certain shifting of values all through the productive system, and a general increase of production. (Page 135.)

Not only may a temporary increase of wages react on the efficiency of the worker, and through the family life on his children, but they affect the employer and the industry. They eliminate the employer who is enabled to muddle along with bad appliances because he can get labour cheap, as well as the type of employer whose efficiency consists in his power of "driving" his men. In consequence, they tend to select for the class of employers (and here the term may include managers, assistants and foremen) men who understand how to make the best of their workers and to make good wages pay. In the same way they tend to eliminate industries in places and in forms in which they are doing badly and transfer their custom to those better equipped. In all these ways the marginal net product of labour is affected, and if this is in fact the equilibrium point to which wages tend, then it must be said that the regulation of wages, if impartial and judicious, may set up a new equilibrium point, while also by reducing exploitation effecting a closer adjustment of actual wages to this point. (Page 136, note.)

The Present Position of Industrial Women Workers. B. L. Hutchins. *The Economic Journal, December, 1921.*

It is at least possible that reduction in women's wages can be avoided or minimised by economies in other directions. . . .

The first point relates to the need for improved efficiency in management. The Commission that reported on the coal industry two years ago was, as we all remember, so impressed by the inefficient conduct of the industry that it recommended the most drastic changes in and renovation of the whole system. Dr. Vernon also, reporting to the Industrial Research Board on Fatigue and Efficiency in the Iron and Steel Industry, several

times refers to the defects in management which keep production lower than need be. . . . In each branch there are "tremendous variations" in the efficiency of the plant employed in different works and in the efficiency with which human labour is utilised. . . . Dr. Vernon estimated that if all the iron and steel works in the country adopted the most efficient methods, they could on an average improve their output by something between 50 and 100 per cent. In other words, they could enable their employees to earn more in eight-hour shifts than they had previously done in twelve-hour shifts. (Pages 466-467.)

It is desirable to avoid a reversion to the underpayment and "sweated" wages of former years, and so far the Trade Board is the best means known to history for securing reasonable rates of pay to the worker in unorganised or ill-organised trades, and for protecting the good employer from the unfair competition of the worse. It appears from evidence given that the productivity of the industry is often retarded through waste and inefficiency in management, and it seems certain that it could be increased by better methods, therewith increasing the amount available for wages. (Page 470.)

Labour Unrest. B. Seebohm Rowntree, *Director, Rowntree & Co., Cocoa Manufacturers, York, England. The Contemporary Review, October, 1917.*

Can industry bear so large an increase in its wage bill? If it were to be suddenly and universally enforced, undoubtedly not; but experience in the industries affected by the Trade Boards shows that if some margin be allowed in the matter of time, industries can afford to pay wages far higher than the employers affected quite honestly believe it possible to pay. The best way to secure the necessary advances in wages would be to set up Trade Boards for all industries, and instruct them to bring minimum wages as soon as possible to a level which would fulfill the conditions indicated above. Doubtless, this level would be reached more rapidly in some indus-

tries than others; but in every case it should be reached with the least possible delay.

But it is certain that if workers are to be paid a much higher rate of wages, their productive power must be materially increased. I do not, indeed, consider that the earnings of capital are sacrosanct, and should not be encroached upon by any consideration of better wages for the workers. But even large reductions in profits, where competition has not reduced them to the level below which they must not fall if fresh capital is to be forthcoming, would only partially meet the case. It is clear that so substantial an addition to wages as I suggest can only be made on the strength of a larger output. Now, I think that labour can be rendered more productive in four ways.

How Can the Productivity of Labour Be Increased?

(*a*) Improved methods. At present many British factories are run on very inefficient lines. Much of the machinery is antiquated, the works are ill-arranged, and the staff and workers are ill-trained. In such cases, even when wages are low, the profits earned are inconsiderable, and any request for higher wages is met by the argument that the industry cannot afford them. What is here needed is a critical examination of each process, to see whether the productivity of every unit of labour cannot be increased. A skilled engineer, preferably one who is acquainted with the particular industry, should be set aside for the work, or called in to undertake it. He should have no routine executive duties, but simply concern himself with checking leakage and improving efficiency. If he is the right man there are few factories in which he will not very soon be able to effect important economies. He will (perhaps with the aid of an accountant) closely analyse the working costs, and, if possible, compare them with costs elsewhere. The splitting up of costs and their comparison with those in other factories is a wonderful means of enabling an employer to place his finger on the weak spots. It is not enough to

compare the *total* working costs with those of other manufacturers—they must be split up as minutely as possible. An accountant of great experience told me that he recently came across a case where the total working costs of a group of employers engaged in making a certain article only varied by about 5 per cent, but the costs of some of the particular processes varied by as much as 60 per cent. It is these variations that we must trace if we are to find out where waste is occurring.

Only when every process in the factory has been submitted to a minute examination is an employer really in a position to say whether his industry can or cannot afford to pay higher wages. (Pages 371-372.)

Profits, Wages, and Prices. DAVID FRIDAY, *Professor of Political Economy, University of Michigan. New York, Harcourt, Brace and Howe, 1920.*

Is it possible to raise the real wages of labor, the things which labor can buy and enjoy with money wages? If so, what are the conditions upon which these higher real wages depend? Must profits be reduced? Or can it be accomplished only through an increase in productive output? And if the latter should prove to be the only practicable method, can such an increase in productive output be maintained with our present social and industrial arrangements? Our amazing feats of war finance were made possible because of our large productive output, increased as it was, first under the stimulus of European war demand and high profits, and afterwards through the exuberance of spirit engendered by patriotism. It was a truly astounding feat, constituting nothing less than a great discovery,—this devoting fifteen billion dollars of our national product to the aid of our allies and to the maintenance of our military and naval establishment—while we were feeding and clothing our common people probably better than they had ever been fed and clothed before. On the industrial side our experience during the war proved that it is possible to maintain all our people in a state of well-being. The

lesson which the war taught us should be conserved. (Pages 7-8.)

Problems of A New World. JOHN A. HOBSON. *London, George Allen & Unwin, Ltd., 1921.*

There are many signs that we are entering a new era of industrial revolution which in a single generation may raise the productivity of human labour to so high a level as to enable any decently ordered society to secure the material necessaries and comforts for all its members without imposing painful toil on anyone. The clear perception that social peace is only possible upon such terms immensely stimulates the transformation of the industrial system under the new scientific impulse. The age of steam has passed. We are entering on the age of electricity: the sciences of physics and chemistry are yielding every year new fruits of knowledge which feed thousands of trained and watchful inventors and adapters with ideas for improvement of machinery and processes, for utilization of waste products, or for other economies in handling the resources of nature. Not only is this growth of the applied sciences intensive, it is extensive: and the spread of education brings innumerable minds into closer contact and cooperation, thus providing an accelerated pace in scientific progress. Not less important, the neglect and contempt of science by the practical man, nowhere more manifest than in this country, are yielding to a more intelligent utilitarianism. The new place of prominence assumed by engineering and chemical industries is forcing the claims of scientific research and analysis on every industry and bringing home the uses of exact measurement, the foundation of all economy. The same spirit of order and exactitude is engaged in the art of business administration, bringing live intelligence to bear upon every act in every process by which material is converted into product, and preventing human arrangement from sinking into hard mechanical routine. All these advances are reflected and registered in improved bookkeeping and accountancy, and in the wider art of

business finance with which the critical processes of buying and of selling are closely associated.... This new technique and modern art of business administration have never yet been free to express their full potency in actual production. Almost everywhere they have been held up and restrained by the failure of markets to afford an adequate response to their increased productivity. This persistent check upon full sustained production in the most developed industries was responsible for two conspicuous forms of waste, the unemployment of recurring periods of trade depression and the absorption of large quantities of potentially productive energy in the wasteful processes of competition for markets. . . . The new technique of the electric age, with its vast powers of output, cannot be realized so long as this limitation of market continues. It appears impossible to reap these great economies of production under a system of private enterprise for profit. For it is the apparent impossibility of marketing at a profit the full product of the industry that has been crabbing the pace of industrial progress.

How can this liberation be achieved? War experience helps us to find an answer. For several years the normal position was reversed. Instead of sellers importuning buyers, buyers were importuning sellers. The effective demand of would-be consumers everywhere kept stimulating producers to their utmost efforts. The productive energies of our civil population were strained to the utmost intensity, all the waste competitive labour was squeezed out of the distributive trades, and every sort of improvised economy of tools, labour and materials was employed to meet the demand of the market. I need not dwell upon the quite evident causes of this reversal of the ordinary relations between supply and demand, the shortage of supplies of labour and materials due to military operations, on the one hand, and, on the other, the increased demand due to the immense public expenditure upon supplies for the forces and the increased private expenditure of the great mass of working-class families whose incomes were improved by war conditions.

The economic lesson is unmistakable. Artificially stimulated consumption of goods called into play reserve powers of production which, contrary to all expectation, were able to maintain the people of this country during the first three years of the war upon a considerably higher general level of material comfort than at any previous time. Even if we make some allowance for American subsidies of food, paid for by selling securities, the exhibition of reserve productivity within our national economic system is remarkable. It was, of course, accompanied by certain heavy human strains of overtime and speeding up, of encroachment on the leisure of the young and old, and other injuries of the emergency. But can any careful observer doubt that it warrants the belief that any reasonably effective organization of our existing technique and economic resources before the war would have enabled us as a nation to turn out double the amount of wealth we are actually turning out, without any excessive tax upon the human energies of our people? If to such testimony we add the reasonable expectations of the new technique, the new art of administration and the new finance, may it not seem possible, or even likely, that within the next few years our productive powers will be adequate, if fully utilized, to supply all the ordinary wants of our population, with a constantly diminishing call upon their working time and energy? But an indispensable condition of this productivity will be the high consumption of goods and leisure by our people. Increased productivity and improved distribution are thus indissolubly bound together in the reformation of industry. (Pages 190—195.)

Incentives in the New Industrial Order. J. A. Hobson. *London, Leonard Parsons, 1922.*

If the rate of production were constantly maintained at or near the maximum which full employment of capital and labour affords, the normal output and income would be much larger than is actually the case.

The quantity of "slack" or "waste" in the running of the present capitalist system is far greater than is commonly supposed. The most striking economic lesson of recent years has been the disclosure of the possibilities of output and real income under the hasty improvisation of the war-emergency. It was proved that when some four millions of the younger able-bodied men had been taken out of the productive system for military service, and several millions more men and women had been removed from ordinary occupations, to be put upon the making of munitions and other war supplies, the capital and labour left outside these war demands sufficed to yield wealth enough to support the civilian population on a level, which for the wage-earning class as a whole was substantially higher than before the war. Though the well-to-do classes, no doubt, reduced their standard consumption, the working classes, or at least four-fifths of the population, lived in a definitely higher standard of material comfort than ever before. How was this possible? The fact that we were borrowing from America in the shape of large additional supplies of foods and other goods affords no explanation. For at the same time we were lending even larger sums to our Allies and Dominions, which loans they took in British goods or in foreign goods for which we paid by our products. There was some considerable letting down of plant and stocks in some departments of transport and industry. To that extent we were living on our capital. But no large contribution to our stimulated consumption came from this source.

The truth is that we were turning out wealth from our productive system at a greatly accelerated pace, because for the first time in our history all the available plant and labour was being operated at top speed. This full employment and high pace production were directly attributable to the pressure put on to the industrial machine at the consumptive end. The Government was creating a new enormous demand for commodities, and also, as a consequence of the shortage of labour due to enlistment, was enabling the workers to increase con-

siderably their demand for consumption goods. From these sources there came an unprecedented strain upon the productive system, causing its plant and labour (swelled in volume by absorption of "the unemployed," the addition of large numbers of women, old men, and children, speeding-up and over-time) to turn out a product at least 50 per cent larger than the same industrial system yielded on the average in pre-war times. And this result was attained in spite of shortages of some raw materials, much waste from official maladministration and other errors inevitable in this hasty improvisation of war controls.

I am not arguing that this high war-production was desirable or capable of indefinite duration. What it testifies is this: (1) that a very large increase of output (real income) was attainable by a fuller use of the existing human and material factors of production; (2) that the direct efficient cause of this increased output was the enlarged demand for commodities due to a redistribution of income and purchasing power.

The Government took a large share of the income of the well-to-do and spent it, the workers took a larger share of the general income that was left and spent it. Even this high spending was not inconsistent with a considerable amount of saving applied to improved war-plant and other capital purposes, though no doubt not only the proportion of saving to spending fell but the absolute amount also.

But the lesson I deduce is this. If it were possible, by a somewhat similar peace-policy of high wages and large public expenditure on productive instead of destructive services, to maintain the volume of effective demand for commodities, not, indeed, at the war-level, but at a somewhat lower level, so as to relieve the excessive strain of war-production, why should not the capital and labour of the country be kept in full regular employment all the time, escaping the huge wastes of prolonged depressions and the minor wastes of ordinary times? If the productive system were kept working at

say 80 per cent of the war-pressure, the output of wealth (real income) would still be so much larger than in ordinary times that an increased quantity of saving would be consistent with an increased proportion of spending. In a word, out of a much larger national dividend, due directly to the incentive of increased demand for commodities, a larger quantity of new capital could be provided. The constant tendency of the machinery of industry to slow down, by reason of failure to find profitable markets for its full output, would no longer operate. (Pages 53-56.)

Principles of Economics. Edwin R. A. Seligman, *LL.D., Professor of Political Economy, Columbia University. Ninth Edition, Revised. New York and London, Longmans, Green and Co., 1921.*

Economic, political and ethical forces are conspiring to bring about progress by raising the social level. In ordinary business life this means the gradual but clearly discernible elevation of the standard of commercial morality. So far as poverty is concerned it means the lifting of the standard of life of the laborer and the setting, in ideal at least, of an irreducible minimum, below which national production is not worth having. . . . The process is a slow one, because it is an arduous task to make the successful and self-satisfied business man realize that the true ultimate interests of his class are associated with the increased consumption that can come only from the higher standard of life of the mass of the producers. (Page 687.)

Eclipse or Empire? Herbert Branston Gray *and* Samuel Turner. *London, Nisbet & Co., Ltd., 1916.*

2. The idea that it is good policy to produce as little as possible lest the supply should outrun the demand is an injurious economic fallacy. It is indeed an economic law which cannot be gainsaid that *the greatest possible production is always in the interests of the community at large.*

3. Whence come the cheapest goods to-day? They are produced by employers earning the largest profits and paying to their workmen the highest wages—profits and wages out-distancing the dreams of both a few short years ago. How has this great change been brought about? Through the discovery and application to business of the laws of efficiency, thus eliminating waste which arises from the blind use of antiquated methods. Mathematically put, the equation stands thus:

Low profits + low wages = high profits + high wages —waste. (Pages 80-81.)

Low industrial production per head is mainly responsible for low wages in Great Britain, and high production per head has made possible high wages in the United States. . . .

It must be clear to all who give the matter a little thought that wages can be greatly increased only if production is greatly increased. Unfortunately many short-sighted men have preached that workers can benefit themselves most by producing as little as possible for the largest possible wage. Now, rightly considered, wage earners are paid not in money but in kind. What matters to the worker is not how many shillings per week he receives, but what his weekly wage will buy. If a worker earns £5 per week and cannot buy sufficient food and clothing with the money, he is much worse off than a worker in another country who receives only 15s. per week but can supply all his needs because goods are cheap and plentiful.

The nation is a great co-operative society. Some men make boots, some make clothes, some produce fuel and some raise food. The workers engaged in making boots, clothes, etc., get certain wages which they spend in buying boots and clothes, fuel and food. Now, if all the workers limit their output to the utmost, they may conceivably receive high wages, but there will be little food and fuel and few boots and clothes. There will be too few to go round, and the result will be that the workers are ill-clad and ill-nourished whatever their money wages

may be, for one cannot eat money. If, on the other hand, all the workers produce, with the help of the most perfect machinery, vast quantities of clothes, food, fuel, etc., the goods produced will have to be consumed, and they can be consumed only by the many. High production all round leads to great consumption all round. It makes clothing, food, fuel, etc., plentiful for the workers.

Great Britain suffers not from over-production but from under-consumption, and under-consumption in Great Britain is due to under-production. If the workers all round produced from two to three times as much as they are producing at present, they would not only double and treble their wages, but would spend twice and three times as much on clothing, food, fuel, amusements, etc., as do the American workers. From the official investigations which have been made it appears, for instance, that in 1909 the people of the United States bought £120,000,000 of cotton goods, whereas the British people bought only £20,000,000 worth. As they were, roughly speaking, twice as many people in the United States in that year as there were in the United Kingdom, it follows that the average family in America bought three times as many shirts, collars, handkerchiefs, etc., as did the average English family. Those who know America and the British Dominions well are aware that not only are wages from two or three times as high as they are in this country, but that the workers live far better than they live over here. that they are better dressed, better fed, and are able to put by substantial sums of money.

High production alone can raise wages very considerably, and high wages need not cause dearness. If the doubling and trebling of wages is accompanied by the doubling and trebling of production, the commodities made by high wages need not become any dearer. The result would be unbounded prosperity among the workers. (Pages 145-146.)

If we look round in the world, we invariably find that, where production per man is greatest and most perfect, there the masses and the classes are the most prosperous.

In the United States, where production per man is greatest, we find not only the richest millionaires, the richest manufacturers and the richest merchants, but also the richest workers. In India, on the other hand, where individual production is small, because little machinery is used, we find that the classes are poor. Manufacturers and traders obviously cannot become wealthy in a country where the masses are poor. The masses and the classes are therefore equally strongly interested in replacing the present inefficiency of the British industries by the highest possible efficiency, by increasing production to the utmost. (Page 147.)

The Division of the Product of Industry. An Analysis of National Income Before the War. ARTHUR L. BOWLEY, *Sc.D., Professor of Statistics in the University of London. Oxford, Clarendon Press, 1919.*

There remains the one hopeful way by increasing production, care being taken that the increased product is well distributed. This will not come suddenly nor by act of Parliament, but there are great possibilities in certain directions. Capital can be better applied to production, as has been shown during the war, and it is probable that an effective demand for higher wages would force its better and more economical use; but it must be remembered that skill of management is limited, and the best results cannot be universally obtained. At the same time, on the side of labour there must be no waste of productive power, but plant and machinery must be put to their maximum use. Greater encouragement of skill, more facilities for promotion from unskilled work to skilled, better education, and an improved physique which may result from higher wages, more leisure and better environment, together with full opportunity for the use of all intelligence, strength and skill, irrespective of sex, and without undue insistence on pedantic rules as to previous training would result in a much fuller use of the latent abilities of the race than has hitherto been possible. (Page 57.)

The wealth of the country, however divided, was insufficient before the war for a general high standard; there is nothing as yet to show that it will be greater in the future. Hence the most important task—more important immediately than the improvement of the division of the product—incumbent on employers and workmen alike, is to increase the national product, and that without sacrificing leisure and the amenities of life. (Page 58.)

Labour and Capital After the War. Edited by S. J. CHAPMAN, *Professor of Political Economy, University of Manchester. London, Murray, 1918. Ch. III. Lord Leverhulme.*

We cannot continue to live in a world of false ideas as to production. Labour must come to know that if wages and betterment are to be increased, production must also be increased. Capital must come to know that low wages and poor living produce inefficient workers with high costs.

It is possible and essential that we should have the highest scale of wages combined with largest output, and lowest cost of production combined with the fullest share of profits to the workers, as a sound basis for our industrial system. (Page 44.)

Cost of Production Not Increased.

Minimum Wage Laws are Good Business. Extracts from Letters by Employers Operating under a Legal Minimum Wage. National Consumers' League, New York. October, 1920.

Cost of Operation not Increased.

Edward A. Filene, President, Wm. Filene's Sons Co., (retail specialty store) Boston, Mass. Oct. 5, 1920.

"We have had the minimum wage in our concern since March 1, 1912, and the important thing about it is that, relatively the cost of wages as compared with other

costs of running the business has not increased, but on the contrary has decreased."

C. C. Carpenter, Pres., The MacDougall & Southwick Co., (retail dry goods) Seattle, Wash. Dec. 31, 1919.

"Quite contrary to the belief of many merchants, a fair minimum wage will not increase the per cent cost of operation."

Wages for Women Workers. MARY ANDERSON. *Annals of the American Academy of Political and Social Science. January, 1919.*

Another claim frequently urged by the employers is that the amount of increase in wages adds directly to the expenses of the business and, therefore, automatically results in reduction in profits. This claim is based upon the assumption that the employer will have to pay a higher price for the same quality and the same amount of work that he obtained under the lower wage scale. That this assumption is erroneous has been conclusively proven by generations of industrial experience. Workers whose wages are low, hours of work long, working conditions poor, who must submit to ill treatment and constant nagging by the men and women directly in charge of the work, can render only poor and inefficient service. Those who are adequately paid and thereby better nourished, who have shorter hours which means lessened fatigue, who have self-government through shop committees and the right to take up the grievances that constantly arise between the foreman or forelady and the workers, do work of better quality and produce a greater output. Experience has proven that increases in the amount of the output and its improved quality entirely offset the increase in wages. This is illustrated in the case of Hart, Schaffner and Marx, a large clothing firm employing about 8,000 people, of whom about 63 per cent are women. During the first two years of the agreement between the firm and the union, wages had increased from 25 to 80 per cent, and at the same time profits were

doubled. This was due to the increased efficiency of the workers, which decreased to a large extent the need for sub-foremen and examiners and increased the volume of business because of better workmanship.

Some of the largest of our industries have voluntarily made large increases in wages against the protest of business competitors and associates who predicted that the effect would be the financial ruin of the industry. The practical results, however, completely refuted these predictions, for the expense per unit of production was very much decreased as a result of better service rendered, and profit to the employer showed the corresponding increase. (Pages 126-127.)

Wages, Hours and Individual Output. N. I. STONE, *Labor Manager, Hickey-Freeman Company, Rochester, N. Y. Annals of American Academy of Political and Social Science. September, 1919.*

Even in buying ordinary commodities we have learned that the lowest priced article is not necessarily the cheapest. An experienced buyer will consider not only the price he is asked to pay, but also the quality of the article he is getting in the bargain. Unless the article is a staple commodity absolutely standardized under market requirements, such as wheat or pig iron, the lowest price will not necessarily mark the most economical purchase. A suit of clothes made of shoddy, though looking exactly the same as one made of virgin wool, will not last as long and, though selling at a much lower price, will prove the more expensive of the two, when the price paid for each suit is divided by the number of months of wear each gave.

This elementary truth is recognized by every experienced employer and foreman in comparing the usefulness of different employees; the worker who possesses superior skill or, who with the same skill works with greater speed, is always preferred and is readily offered a higher wage than the prevailing rate for workers of average speed or skill. But that the same labor force can be made

cheaper by raising its wages or shortening its hours of labor, or both, is still an unknown fact among the great body of employers, superintendents and foremen, and, when stated, is regarded with distrust and with doubt in the practical wisdom of the man who advances this view. Yet, it has now been accepted as an elementary principle of the science of management among industrial engineers.

Stated baldly, the proposition that high-priced labor is cheaper than low-priced labor, and that shorter hours are more productive than long ones sounds like a paradox. If that be true, then the age-long struggle between capital and labor for higher wages and shorter hours has been the most tragic misunderstanding in history in which the employers have wasted millions of dollars and countless lives fighting against their own interests; while labor, trying to improve its own lot, has unwittingly fought for capital's best interests, trying to save it from its own folly.

As an industrial expert has well put it in a leading magazine devoted to industrial management, "It is the inefficient manufacturer who bewails most the size of his payroll. The efficient employer should pray for wages so high that his less efficient competitor will go out of business."

The misunderstanding is easily explained. All things remaining equal, the higher the rate of wages, the greater the labor cost of the manufactured product. This is perfectly logical, but rests on the false premise that all things remain the same when a change in wages occurs. As a matter of fact, they seldom, if ever, remain unchanged. The mere increase in wages will not of itself produce the miracle, unless labor is so underpaid as to cause the workers to be poorly nourished, inadequately clothed, and housed under unsanitary conditions. In that case a substantial increase in wages which would enable them to eat nourishing food, wear clothing that will protect them against inclement weather and live in warm, light rooms in healthy surroundings will of itself improve the condition of the individual worker as a producing machine

so as to increase greatly his productivity. It is but a common sense application of the rule which prompts a sensible man to feed his horse oats, instead of keeping it on an exclusive diet of hay, and to provide well sheltered, clean and sanitary barns for his cattle, instead of neglecting it as a stingy, short-sighted farmer is apt to do. It was because of facts like these, that the Ford plan of providing a minimum rate of $5.00 a day, practically doubling the earnings of the bulk of his employees, proved such a huge success, and instead of increasing his cost of production, produced the opposite effect.

With the war over and international trade about to resume its interrupted course, the cry for protection of American labor against the pauper labor of the old world again resounds through the country and the majority party in Congress bases its program for an immediate revision of the tariff almost solely on that ground. It is therefore felt that the universality of the law that high wages and short hours spell lower costs rather than the opposite, requires further demonstration. (Pages 121 to 123.)

Books could be filled with facts from industrial experience to demonstrate the absolute fallacy which clings so stubbornly to the mind of the average employer that low wages are synonymous with low costs. It is hoped, however, that the few illustrations taken from so wide a range of industries are sufficient to establish the fact that a wage rate is meaningless in determining costs, unless taken in conjunction with output. But if a general rule is to be formulated as to the relation of wages to costs, it would be much safer to say that high wages spell low costs, than the contrary. (Pages 128-129.)

The Church and Socialism. JOHN A. RYAN, *D.D., LL.D., Professor of Moral Theology at the Catholic University of America. Washington, The University Press, 1919.*

Experience has shown that the injurious results predicted by the opponents of labor legislation and labor

organizations have not taken place. There has been no general increase in prices, nor any increase in any case that equaled the increase in wages or the expected increase in other items of the cost of production. In the majority of instances the greater part of the cost has been met by an increased efficiency in the productive process, that is, in labor, in machinery, and in the combination of these two factors. Another part has come out of the profits of those concerns that were obtaining more than the usual amount of interest on their investment. Precisely the same forces would operate in those industries in which wages would be raised by law to a decent level. It is not, indeed, true that every increase in wages will be followed by an equivalent increase in productive efficiency, so that all the added cost of production will be provided by the workers themselves, or by the workers in conjunction with better technical processes. This will happen in some cases, but no general rule can be formulated to indicate when it will happen (Cf. Hobson, "The Evolution of Modern Capitalism," chap. xiv, new ed.). It seems quite probable, however, that where the increase in wages is merely sufficient to raise the worker from a condition of subnormal to one of normal physical efficiency, the greater part of the additional wages will be available in the form of a larger product. In other words, the underfed, underclothed and underhoused laborer, when brought up to the level of a normal standard of living, is able to create most of the difference between starvation wages and the remuneration necessary to maintain the normal standard. The greater part of the remaining cost of the higher wages would probably come through the substitution of machinery for hand labor, and of better machinery for antiquated processes; through the elimination of the less efficient directors of industry, and the better organization of the productive forces; and through a reduction of the returns on monopolistic capital, and on capital that would suffer such a reduction rather than take flight into other industries. (Pages 90-91.)

The Human Side of Business Administration. B. Seebohm Rowntree, *Director, Rowntree & Co., Cocoa Manufacturers, York, England. The Atlantic Monthly, April, 1922.*

These then are the items in the account which we must meet if we would purchase industrial peace: reasonable wages; reasonable hours; reasonable economic security; an improved status for the worker; a share to the worker in the profits of industry.

Some of us have tried one of these methods, others have tried others; and we may have been disappointed. I do not think that we shall achieve full success until we try all five together. (Page 472.)

I recently visited a factory in America, where all the five points I have mentioned were being adequately dealt with; and the results were all that could be desired. So far from the experiments proving costly, the output per man-hour had increased by 25 per cent; and although the workers were getting 50 per cent of all profits after capital had been paid 6 per cent, the president of the company told me that he thought the stockholders were better rather than worse off than they would have been under the old regime. (Page 473.)

Great Britain. Committee of Enquiry into the Working and Effects of the Trade Boards Acts. Minutes of Evidence. 1922.

Summary of Mr. J. J. Mallon in behalf of the Trade Boards Advisory Council of the General Council of Trade Union Congress and member of thirteen Trade Boards. February 8, 1922.

12,125. . . . I should like to elaborate that just a little, because it is suggested that the effect of the Board has in some cases been to fix such rates that the cost of living is thereby increased. One need not argue the whole matter of the economy of high wages, but I hope that the Committee, when some of the older and more experienced inspectors appear before them, will ask the

inspectors as to the effect which these rates in fact have had on industrial organisation and industrial efficiency. It is perfectly true that during the war the effect of that kind of Trade Board rates was negligible. Employers were enjoying altogether wider margins of profit than are normal; but if you ask the inspectors who know what took place before 1914, I have no doubt at all that you will be reassured, and that you will be satisfied that the effect of the rates of wages which were fixed prior to the war was not to increase the cost of production or selling prices, but to *bring the cost of production down.* There is direct evidence of that sort in the files of the Trade Boards Office, and I would submit that as a very important part of this discussion. Then, arising out of Mr. Pugh's question, what do the Boards in fact do? They do not impose any arbitrary rate upon the trade; they do not say "What would it be nice to allow people in this trade to obtain?" They find out what rates are in fact being paid by reputable employers in the trade; they find out what rates in fact are recognised by the Unions in the areas where the Unions are strong; and after discussion in which that rate is or those rates are generally trimmed a little bit, the rate or rates which emerge are imposed on the trade. The only effect of that is to ask, and to compel, backward or unprogressive employers to do what other employers in the trade are already doing. It seems to me perfectly obvious that the effect of fixing wages on that basis cannot be to raise the cost of production in the trade. Certainly it cannot be to influence adversely the selling prices in the trade, because that is already controlled by the fact that large employers in the trade who are putting goods on to the market in large volume have their conditions not in the least disturbed. That happens, I venture to say, in every trade to which the Trade Boards Act has been applied.

12,126. *Mr. Layton*: That would not apply as between the low and high wage districts where a rate has been imposed which is either the London rate or something between the two; but that would be a disturbing

element, surely?—Disturbing in some respects, but it would not disturb selling prices, because they would be controlled by the areas in which wages are not upset.

12,127. But it might put up prices in those areas. For instance, we have had a good deal of evidence as to exactly what has been done in Cornwall?—I should be prepared, as I think Mr. Wethered did, to make some distinction between distribution and handicraft on the one hand, and large scale manufacturing on the other. I am speaking for the moment of large scale manufacturing, and there it seems to be that it is quite impossible that there can be any general disturbance of prices owing to fixations by Trade Boards which proceed on the basis which I have described, and that is the normal and habitual basis upon which Trade Boards work.

12,128. The effect of the evidence which we have had would naturally lead to the inference that prices have not been much disturbed in London, but it does not by any means follow that that applies to prices in other parts of the country.—I should like to go into that with you. I think I could show you that in practically all the trades with which we have been dealing, London is not the highest paying centre. It is in some; in others its place is not even high; in a number of women trades I have found, during an experience of 15 years, that London is often a very unsatisfactory centre of employment; that Manchester in some trades, Leicester in others, Leeds again, and Glasgow, for sets of trades, pay better than London. (Pages 869-870.)

Employers Not Driven Out of Business.

Massachusetts. Minimum Wage Commission. Fifth Annual Report. December 31, 1917.

In November and December, 1917, the Commission made its third reinspection since the operation of the decree of Aug. 15, 1914, of the pay-roll records of women employed in brush factories. It was found that women were employed in 23 such establishments as compared

with 17 reported at the time of the last inspection in June and July, 1915. The total number of women employed in the industry in the State was 871, an increase of 79.6 per cent. over the number reported in 1915, and an increase of 67.2 per cent. over the number employed in 1913, previous to the establishment of a minimum wage in the industry.

Five establishments, employing together 14 women, were found to be failing to comply with the recommendations of the Commission, and 10 women in these establishments, forming about 1 per cent. of the total number in the industry, were receiving less than the recommended minimum wage rates. (Page 32.)

District of Columbia Minimum Wage Cases

Supreme Court of the United States

OCTOBER TERM, 1922

No. 795 AND No. 796.

JESSE C. ADKINS, *et al.*, CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA, APPELLANTS,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, A CORPORATION.

JESSE C. ADKINS, *et al.*, CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA, APPELLANTS,

vs.

WILLIE A. LYONS.

BRIEF FOR APPELLANTS
Vol. II

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STEINBERG PRESS, INC.
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ERRATA

Page 44, line 9, $9.64 should read 9.94.

Page 46, line 8, $1.05 should read $1.00.

Pages 186-7.

Omitted to state Orders 2, 3, 4 and 5 were effective August 1, 1919.

Page 428.

Excise Sir Lynden Macassey. Labour Policy False and True. London, August, 1922.

Page 429. Set at end of first paragraph after "(Page 250)" as title

Labour Policy False and True. SIR LYNDEN MACASSEY. *London, August, 1922.*

Pages 763, 766.

Excise charts.

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(2) Minimum Wage Does Not Become Maximum.

One of the earliest arguments against minimum wage legislation was that the minimum would become the maximum wage and thus operate unfairly against the workers.

This false prophecy is disproved by several commissions. Conclusive disproof is found in the wage tables printed after reinvestigations as to compliance with the decrees.*

District of Columbia.

District of Columbia. Minimum Wage Board. Second Annual Report. December 31, 1919.

The figures showing the wage situation before and after the minimum wage orders became effective are of interest not only in relation to the problem of learners but also as disproving the contention that the minimum tends to become the maximum. Minimum wage legislation is often opposed on the ground that it will keep all workers at a dead level, that efficiency and skill will be discouraged because they will bring no additional reward. It is maintained that if an employer has to pay all his employees at least a certain wage he will refuse to pay any of them more. The large percentage of workers in both the printing and the mercantile industries now receiving rates above the minimum effectually dispose of this argument.

In the printing trades when the original investigation was made 37.7 per cent of the women workers were rated at $16 and over. Immediately after the $15.50 minimum wage went into effect this increased to 58.2 per cent. (Page 26.)

In the mercantile industry the situation is much the same. Here an exact comparison is impossible since the

*See tables in Part I, Section I, under Reinvestigations for Compliance with Minimum Ordered.

original figures show the percentage receiving $16 and over and the later figures the percentage receiving above the minimum, i. e., above $16.50. In February and March, 1919, the proportion of women and minors rated at $16 and over was 25.7 per cent; in November, 1919, the proportion receiving over $16.50 was 38.7 per cent. The figures for the department stores alone are 20.4 per cent at $16 and over in February and March and 31.3 per cent at over $16.50 in November. (Pages 26-27.)

In our study of "Wages of Women and Minors in the Mercantile Industry in the District of Columbia," attention was called to the variation in wage rates among the seven department stores. At that time, February and March, 1919, the percentage of women and minors in these stores rated at $16 and over ranged from 6.7 per cent to 26.2 per cent. A similar but less marked range was found in these same stores after the wage order became effective, the percentage receiving more than $16.50 and less than $16.50 ranging from 25.4 per cent to 42 per cent and 21.3 per cent to 33.6 per cent, respectively. It is evident that the character of these stores has not been changed by the minimum wage. Those which depended on cheap labor are still depending on cheap labor—learners—to keep down their expenses. The stores which had earlier realized that organization, management, and scientific handling of the labor force are prime factors in the cost of carrying on a business do not find it necessary to keep the bulk of wages down to the minimum rates fixed by law.

As time goes on the force of competition will in all probability tend to increase the percentage of employees in both the printing and mercantile industries receiving above the minimum. Without awaiting further developments, however, it may safely be deduced from these figures that under a minimum wage skill and experience do count and that workers of more than average ability do secure recognition of their superior value. (Page 27.)

(b.) Minimum Has Not Become the Maximum.

In our report for the year 1919 we called attention to the fact that pay-roll records before and after the minimum wage had become effective proved that the minimum had not become the maximum wage; that the workers of skill and experience did secure recognition of their superior value by a higher wage than that paid the worker of average ordinary ability. The pay-roll data for the past year printed in Tables IV to VII, inclusive, substantiate and strengthen the conclusions reached at that time.

A comparison at three different periods of the percentages of women receiving more than the minimum wage in the 14 largest printing plants is of interest. In August, 1919, soon after the wage order was applied to the industry, 26 per cent of the women employed were receiving more than the minimum wage. In March, 1920, in the same establishments, 39 per cent were rated above the minimum. By November, 1920, the percentage rated above the minimum had increased to 76 per cent. As we stated before, the large percentage of increase shown for the last period is directly due to a trade union agreement whereby the woman bindery workers, after two years' experience, are to be paid not less than $20 per week. At least it can not be said that the minimum wage has prevented trade union activity.

In the mercantile industry there has been a gradual increase in the percentage of women receiving more than the minimum wage. In the seven largest department stores the percentage increased from 31 per cent in November, 1919, to 37 per cent in March, 1920, and to 42 per cent in November, 1920. In the 5 and 10 cent stores from November, 1919, to November, 1920, the percentage of women employed at more than the minimum rate increased from 13 per cent to 23 per cent. This increase has not been confined to one or two stores, but has taken

place to a greater or less degree in each and every store included in our study.

The figures for hotels and restaurants tell the same story. In the restaurants in general in June, 1920, 35 per cent of the women employed were receiving more than the minimum. By December, 1920, this percentage had increased to 44 per cent. Comparable figures for women employed in hotels were 29 per cent in June, 1920, and 33 per cent in December, 1920.

The large proportion of women in each industry receiving more than the minimum wage not only indicates that there is no tendency to keep experienced and efficient women employed at the minimum, with a corresponding decrease in the proportion receiving less than the minimum.

District of Columbia. Minimum Wage Board. Fourth Annual Report. December 31, 1921.

Minimum Has Not Become the Maximum

Aside from the general increase in wages the outstanding conclusion to be drawn from all the preceding tables is that the minimum wage has not become the maximum wage. The figures clearly refute the stock argument against minimum wage legislation that it will reduce all workers to a dead level, that initiative and intelligence will be penalized because the employer who has to pay all his workers at least a certain sum will find it impossible to pay anyone more. The figures show not merely a very substantial proportion of all workers rated above the minimum, but a tendency for this proportion to increase, and this in spite of adverse economic conditions—business depression and unemployment.

This tendency holds true in every type of establishment. Turning back to the tables given on the preceding pages we find that in the 36 printing and publishing plants the proportion of women and minor girls rated at $16 and over (i. e., above the $15.50 minimum wage) has increased from 30 per cent, just after the order took

effect, to 72 per cent two years later. For the 14 principal plants out of this 36 this proportion stood 26 per cent in August, 1919 (immediately after the order took effect); 39 per cent in March, 1920; 76 per cent in November, 1920; and 76 per cent in October, 1921. It is, of course, only fair to note again that this is due not solely to the minimum wage but also to a union agreement. At least the minimum wage was no bar to the negotiation of such an agreement.

In the mercantile industry the same tendency is apparent. Table XIII shows this for the industry as a whole. The week after the order took effect 39 per cent of the persons under it were rated above the minimum wage; one and one-half to two years later this proportion for the same stores had increased to 51 per cent. The thing is shown for the department stores in Table XIV. The proportion above $16.50 was 31 per cent in November, 1919, 37 per cent in March, 1920, 42 per cent in November, 1920, and 42 per cent in October, 1921. It appears that, temporarily at least, the point of equilibrium was reached in 1921. However, this is not surprising in view of the business depression of that year. It might readily have been expected that the number of women receiving above the minimum fixed by law would decrease in that period. In the 5 and 10 cent stores the percentage above the minimum increased from 13 per cent in November, 1919, to 22 per cent in November, 1920, and 22 per cent in October, 1921. (See Table XV.)

In the hotel and restaurant industry the same tendency is seen in a less marked degree, both as to actual wages and rates of wages. In Table XVII we see that in the hotels the proportion rated above the minimum in June, 1920 (just after the introduction of the order), was 35 per cent; in December, 1920, it was 37 per cent; in October, 1921, it was 47 per cent. The percentage actually receiving above the minimum increased from 29 to 33 per cent from June to December, 1920, and was still 33 per cent in October, 1921. In the restaurants, as

shown in Table XVIII, the percentage rated above $16.50 increased from 47 to 59 per cent in 1920 to 66 per cent in October, 1921. The percentage actually receiving above the minimum rose from 35 to 44 per cent, and was still 44 per cent in October, 1921.

If we total the 1921 figures for the three industries, we can find what proportion of all the women and minors covered by the wage orders were rated above the minimum wage. That figure is 57 per cent. If we use actual wages rather than rates of wages for the hotels and restaurants, we still find 51 per cent of the women and minors in all three industries receiving more than the minimum wage. A proportion so substantial as this warrants the statement that the minimum, far from becoming the maximum, is scarcely even the standard wage.

District of Columbia. Minimum Wage Board. Fifth Annual Report. December 31, 1922.

2. Minimum Has Not Become the Maximum.

Aside from the increase in wages apparent from a comparison of identical establishments as given in the preceding section the outstanding fact disclosed by a study of pay-roll records is the extent to which women and minors subject to the minimum wage rates actually receive more than the minimum fixed by law. This is apparent in every tabulation of wages, but it is shown most strikingly in the following table for all women and minors for whom pay-roll data were secured during 1922. In the hotel and restaurant industry for the reasons given in the preceding section the figures used are the actual wages paid rather than rates of pay. If rates were used rather than actual wages the proportion above the minimum would be far greater. It should be remembered that in the printing and publishing industry the minimum is $15.50, the mercantile and hotel and restaurant industries, $16.50.

Table XV.—Number and Per Cent of Persons Subject to Minimum Wage Orders Receiving Above, At, and Below the Minimum Wage in 1922, by Industries.

Number.

Industries	No. of establishments	Persons who were receiving—			Total
		Above the minimum	The minimum	Below the minimum	
Mercantile	473	3,221	2,321	703	6,245
Hotel, restaurant and allied industries	296	1,058	668	1,204	2,830
Printing and publishing industry	55	793	115	34	942
Total		5,072	3,004	1,941	10,017

Per Cent.

Mercantile	473	51.6	37.2	11.2	100
Hotel, restaurant and allied industries	296	37.4	20.1	42.5	100
Printing and publishing industry	55	84.2	12.2	3.6	100
Total		50.6	30.0	19.4	100

(Abbreviated.)

This table shows the proportion receiving above the minimum to range from 37 per cent in the hotel, restaurant and allied industries to 84 per cent in the printing and publishing industry. The minimum wage rates have been in operation over two years. Whatever readjustments were necessary have probably been made. It would seem that these figures clearly refute the stock argument against minimum wage legislation that it will reduce all workers to a dead level, that initiative and intelligence will be paralyzed because the employer who has to pay all his workers at least a certain sum will find it impossible to pay any of them more.

Out of the 10,017 women and minors for whom wage records were secured during 1922, 5,072, or 51 per cent, were receiving above the minimum wage fixed by law. A proportion so substantial as this warrants the statement that the minimum far from becoming the maximum is scarcely even the standard wage.

California.

California. Industrial Welfare Commission. Third Biennial Report. 1917-1918.

Every one per cent decrease in the low paid group means a one per cent increase in the higher paid groups, with increased standard of living for the worker. This promotion into the better paid groups both in the case of the laundry and of the mercantile was without detriment to the higher paid group. The minimum has not become the maximum. A limitation of apprentices to 25 per cent of women employed, protects the experienced workers in the enjoyment of the minimum wage. (Page 12.)

This decrease in the percentage in the low wage groups meant a promotion to better wages and not unemployment for the persons involved. The same establishments are covered in September as in April, and no others. The total number of employees increased from 14,335 in April to 15,794 in September, or ten per cent. The most noticeable relative increase in numbers was in the $10 group which rose from 13 per cent to 32 per cent, or an increase of 19 per cent. In April 39.7 per cent received under $10, in September, 20.1 per cent; a decrease of 19.6 per cent.

From this, the generalization must not be made that the minimum becomes the standard wage. There is always one wage group that is representative of a larger per cent of workers than any other. In April, it was the $9 group. The minimum wage order pushed this up to $10 and greatly augmented the number who received the standard wage. The minimum wage does not become the standard wage in the sense of creating a standard. A standard wage already exists, the minimum wage merely raises this, and also increases the number coming under it. (Page 39.)

For similar reasons, it is not correct to say that the minimum becomes the maximum wage. The highest wages are paid to a few possessing special qualifications of skill or executive ability. In the stores, the $25 and

over group is composed almost entirely of buyers or assistants, department heads, and forewomen. As in the case of the overhead charges, the percentage for this group does not grow proportionately with the business. This is more certain to be the case if wages are raised, for better pay improves the general tone of employees, besides attracting a more intelligent and dependable type. This improved type of employee does not require as much supervision as the underpaid clerk.

The minimum wage and better working conditions might be expected to decrease the number of supervisory positions, certainly it would not add to them. But better pay in the lower groups operates all along the line to push wages up. In the $10 and over group there was an increase for the state of 19.6 per cent in September over April. In the higher groups of $12 and over, the per cent in 1914 was 32; in April, 1917, 40; and in September, 40. The actual number in the $12 and over group rose from 5,729 to 6,195, or 8 per cent. This is proof that the minimum wage did not become the maximum. (Page 44.)

California. Industrial Welfare Commission. Report on the Regulation of Wages, Hours and Working Conditions of Women and Minors in the Fruit and Vegetable Canning Industry of California. May, 1917.

The effect which the rulings had in raising the piece rates is shown in detail in the following report. It is commonly charged by the opponents of minimum wage legislation that the "minimum will become the maximum." It would be much more likely that the minimum piece rate would become the standard rate than that a minimum time rate should become the standard, since under the operation of minimum piece rates the average earnings in efficient plants will be higher than the piece rates were estimated to yield. That the minimum did not become the maximum is shown by the fact that in 1916, 43 per cent of the apricot pack was put up at piece rates higher than the minimum; 17 per cent of the cling

peach pack; 27 per cent of the free peach pack; and 11 per cent of the pear pack. (Page 67.)

It is also commonly stated that if a minimum rate were established concerns which had previously paid higher rates would reduce to meet this minimum rate. In 50 instances on the five products rates higher than the minimum rate were paid in 1915. When the minimum rates went into effect these higher rates were continued in every case excepting one. In that instance the establishment reduced its piece rate on free peaches when it was required to raise its rate on pears and apricots. The net increase in earnings in that one plant, however, was $700. (Pages 67-68.)

The total increase in the earnings of women on the preparation of peaches, pears, apricots and tomatoes was nearly $30,000. The increases on time work and on piece rate canning were very considerable, but could not be computed owing to lack of comparative data from 1915. (Page 68.)

Minimum Wage Commissions Current Facts. National Consumers' League. January, 1920. New York.

California decreed $10.00 minimum wage for experienced adults in laundries, effective January, 1918.

Comparison of payrolls in October, 1917, January, 1918, and November, 1918, shows

After decree:

(In January, 1918)

33.9% decrease of those earning less than $10.
3% increase of those earning $11 or more.

(In November, 1918)

45.4% decrease of those earning less than $10.
35.3% increase of those earning $11 or more.
24.8% increase of those earning $12 or more.

At first the number getting a wage above the decreed minimum was only slightly increased, but after eleven months it was increased one-third. (Page 15.)

California. Industrial Welfare Commission. What California Has Done to Protect Its Women Workers. April, 1921.

The effect of the three minimums may be more clearly shown by the following tables, which give the cumulative per cents of women receiving specified weekly time rates:

Mercantile Industry.

Cumulative per cent of women and female minors receiving weekly rates of—

Period	Date of pay roll	Less than $10.00	Less than $13.50	Less than $16.00	Less than $17.00	$17.00 or over	Total
Under $10.00 minimum wage order.....	Mar., 1919	10.0	56.4	77.3	81.3	18.7	100
Under $13.50 minimum wage order.....	July, 1919	6.3	25.1	73.2	78.2	21.8	100
Under $16.00 minimum wage order.....	Aug., 1920	.4	5.9	13.1	53.1	46.9	100

Laundry Industry.

Cumulative per cent of female time workers receiving weekly rates of—

Period	Date of pay roll	Less than $10.00	Less than $13.50	Less than $16.00	Less than $17.00	$17.00 or over	Total
Under $10.00 minimum wage order.....	May, 1919	5.0	63.8	85.7	89.3	10.7	100
Under $13.50 minimum wage order.....	Aug., 1919	.3	12.2	66.8	75.7	24.3	100
Under $16.00 minimum wage order.....	Aug., 1920	0.0	2.7	9.4	40.9	59.1	100

Manufacturing Industry.

Cumulative per cent of female time workers receiving weekly rates of—

Period	Date of pay roll	Less than $10.00	Less than $13.50	Less than $16.00	Less than $17.00	$17.00 or over	Total
Under $10.00 minimum wage order.....	Jan., 1919	14.8	66.9	85.4	89.1	10.9	100
Under $13.50 minimum wage order.....	Sept., 1919	2.2	27.0	72.8	79.2	20.8	100
Under $16.00 minimum wage order.....	Oct., 1920	0.0	5.7	18.7	53.8	46.2	100

(Page 12.)

On the basis of the pay roll reports submitted to this office, it has been estimated that the increases in the minimum wage have resulted in increasing the rates of pay of women workers as follows:

Yearly Increases in Rates of Women Workers.

Industry	Increase in minimum	Increase in wages	
Laundry	$10 to $13.50 a week	$1,027,749.06	
	$13.50 to $16 a week	1,223,421.06	
Mercantile	$10 to $13.50 a week	1,200,229.16	
	$13.50 to $16 a week	4,012,014.24	
Manufacturing	$10 to $13.50 a week	1,105,821.96	
	$13.50 to $16 a week	3,101,984.60	
Canning (Increase to cutters)	$10 to $13.50 a week	398,683.80	Season of 1919
	$13.50 to $16 a week	407,454.40	Season of 1920

(Page 13.)

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. Report of California Industrial Welfare Commission, 1919-1920. July, 1921.

Thus, while it is true "that upon the adoption of a higher minimum wage the per cent of women in the minimum wage group itself is greatly increased, showing that many of the women in the lower-paid groups are raised to the minimum," it is perfectly obvious that there is no restriction in the higher-wage groups on this account, the number earning over $17 being doubled or more, under each advance in the manufacturing and laundry industries, while it was considerably increased also in the mercantile industry; and as already pointed out, the group receiving over $17 was in each case larger than the group receiving $16 and less than $17, thus refuting completely any claim that the minimum either becomes the maximum or requires the reduction of higher-paid workers to a lower grade in order to enable employers to advance the lower paid workers to the minimum.

California Industrial Welfare Commission. Statement by MR. A. B. C. DOHRMANN, *Chairman. December, 1922.*

The implication that this minimum has a tendency to be the maximum is answered by the fact, that the records of over 31,000 women employed in the mercantile industries in the State of California in the March 1922 investigation, shows that 61% earned $17.00 a week and over and only 39% earned in the neighborhood of the minimum.

The Industrial Welfare Commission was not intended to replace the customary methods of wage fixing for standard wages, such as collective bargaining through labor unions, or otherwise.

North Dakota.

North Dakota. Workmen's Compensation Bureau. Minimum Wage Department. Second Biennial Report. July 1, 1920 to June 30, 1922.

Minimum Has not Become the Maximum.

In comparing the tables it is clearly to be seen that the minimum wage has not become the maximum, though this is a theory that those opposed to minimum wage legislation try to advance. The facts, however, show plainly that this is not the case, but rather that efficient labor is paid according to its merit, and that women are not kept down to the dead level of the minimum when their services warrant a higher wage. (Page 52.)

Washington.

Washington Industrial Welfare Commission. Report by CHARLES A. FORSYTHE, C.A., *on investigation of cost of living for employed women in Seattle, Tacoma and Bellingham. July 20, 1921.*

The assertion is frequently made that an established minimum wage tends to be taken as the maximum wage

payable. The reverse is the case, and there is ample evidence that only a small percentage of employed women remain at a minimum wage for over three months. (Page 3.)

In General in United States.

Minimum Wage Laws Are Good Business. Extracts from Letters by Employers Operating under a Legal Minimum Wage. National Consumers' League, New York, October, 1920.

Minimum Wage Does Not Become the Maximum.

Luther C. White, Employment Manager, Clothing Manufacturers' Association of Boston, Mass. Feb. 1, 1920.

"Our attitude is not altruistic in the matter, for we think we know that skilled labor at a fair wage is the cheapest for the manufacturer who wishes to turn out a properly made product. All the clothing manufacturers do not see this, and in the press of competition are inclined, perhaps, to disregard the quality of product and use 'cheap' (i. e. low-priced) labor to the detriment of trade conditions as a whole. With a minimum fairly set, no manufacturer will do this—he will prefer to pay a wage higher than the minimum and secure competent workwomen, rather than pay a high (?) minimum to inefficient workers."

A. J. Schroeder, recent president Wisconsin Retail Dry Goods Association,—Schroeder Dry Goods Co., Racine, Wis. Jan. 31, 1920.

"The raising of their salaries" [i. e. employees who had received less than the minimum wage] "entailed a sympathetic raising of the salaries of a great many other employees so that the proposition of pay would be fair."

Thomas Roberts, Roberts. Bros., (dry goods, shoes, men's furnishings) Portland, Oregon. January 6, 1920.

"Not only has it" [the minimum wage] "improved the ones on the lower scale, but it has been the means of raising wages all along the line."

James McCormack, President, McCormack Bros., (retail dry goods) Tacoma, Wash. Dec. 30, 1919.

"The average wage is fully 25% more" [than the minimum wage] "brought about, of course, by competition for the efficient help on the part of department stores, energy and ability on the part of the employees."

The Abolition of Poverty. JACOB H. HOLLANDER, PH.D., *Professor of Political Economy, Johns Hopkins University. New York, Houghton Mifflin Company, 1914.*

No less familiar, although far more superficial, is the opinion that the establishment of a minimum wage would operate to make in practice the minimum also the maximum. There is no warrant for this fear either in fact or in theory. The experience of minimum wage legislation in Australia and in England shows conclusively that, in industry after industry where the minimum wage has been set by law, the wages actually paid tend to exceed this least requirement. The obvious explanation consists in the fact that the remuneration for labor is composite, consisting in part of the minimum defined by competition or by law and of a differential excess added thereto, equivalent to the superior skill of the particular workmen. The effect of minimum wage legislation is to raise the first constituent without in any wise interfering with the second. Individual workmen will continue to receive wages higher than the least well-paid workmen to the amount of their superior efficiency. The essential change consists in the elevation of the wages of the least well paid. (Pages 72-73.)

Great Britain.

Great Britain. Committee of Enquiry into the Working and Effects of the Trade Board Acts. Minutes of Evidence. 1922.

Statement of Mr. John Carr, Director of Peek, Frean and Co., Ltd. (biscuit makers) in behalf of manufacturers' section of London Chamber of Commerce. November 2, 1921.

1034. .... During the period from 1913 onwards whenever a Trade Board has increased the rates, it has automatically increased the rates of everyone above.

1035. .... The Confectionery Trade Board, for instance, has never dealt with anything more than the minimum for an unskilled worker. Each alteration of that minimum for the unskilled worker has carried with it automatically a proportionate advance to the skilled worker, although the Board has never said a word about anybody but the unskilled worker.

1039. *Mr. Bell:* Supposing the minimum is increased, you are of opinion that it has a tendency to increase the wages of those not affected by the fixing of the minimum?—Invariably. (Page 118.)

Statement of Mr. Gordon T. H. Stamper on behalf of the National Union of Manufacturers, member of the Grocery and Provisions Trade Board. November 24, 1921.

2933. *Dame Adelaide Anderson:* You will not get the best labour, the best work, and the best output, unless you pay something more than the minimum?—When I say the minimum, if you fix the minimum so that it is an irreducible minimum and nothing else, the better worker always will get more than that minimum. No employer wishes to run his factory by paying a minimum; he likes to be able to pay more than the minimum. A good many people may think that that is an exaggeration, but I know that it is not. (Page 244.)

Summary of Mr. J. J. Mallon in behalf of the Trade Boards Advisory Council of the General Council of Trade Union Congress and member of thirteen Trade Boards. Feb. 15, 1922.

12,264. *Sir Arthur Pease:* Have you experienced as a Trade Board any evidence that in a particular district where a trade is concentrated the workers are actually worth more and do more work in a given time than they do in an outlying district?—Yes, I think there is some evidence of that, certainly. I think if you take the town of Leeds you get a concentration on the clothing trade which does result, over a period, in the acquirement of a special degree of skill by the workers. That illustrates one sense in which the minimum never can become the standard. We fix a minimum rate for women in the tailoring trade. It does not matter what rate we fix, the rate paid in Leeds is always above that rate. That is perhaps one part of the answer to those who say we ought not to fix flat rates. You have a flat rate, but on top of that flat rate all sorts of economic influences begin to get to work, and the reasons, whatever they are, which have decided that the rate in Leeds should be something more than the rate in Norwich will again manifest themselves, and the Leeds rate will climb up on top of your flat rate. So you have a flat rate co-existing with wide variations on top of the flat rate.

12,265. Your flat rate would be the standard rate in one place, but only a minimum rate in another?—Yes. It is a flat minimum; but above the minimum you have very wide variations which are explained by such facts as those to which you direct attention. (Page 880.)

Hansard's Parliamentary Debates. Vol. 107. 1918.
Sir R. Barran, M.P.:

It has been said that these minimum rates of wages are likely to be the maximum rates of wages. That is not the experience of trades that have been working under the Act. In practically every trade, not the better rate

of wages, but the average rate of wages has been considerably above the trade board rate. (Page 115.)

New Zealand.

Wage Arbitration in New Zealand under Falling Prices. J. B. CONDLIFFE, *Canterbury College, New Zealand. The Economic Journal. December, 1921.*

Though it it has not succeeded in raising real wages, the Court has undoubtedly standardised them, both as between industries and as between employers within the same industry. There is no reason to believe that the minimum award rates have become the maximum. There is still a differentiation of wages in favour of the better workman, and it does not take the secret and underhand form described by Mr. Aves, who must have had his information from an employer who was hostile to the Court.* An investigation in Christchurch recently showed approximately 60 per cent. of the workpeople in receipt of wages above the award rate. . . . (Page 550.)

Canada.

Province of British Columbia—Annual Report of The Department of Labour for the year ending December 31, 1919.

The veiled threat, voiced as an economic principle by some employers to their higher-salaried employees, and the belief of the latter, that if a minimum wage was established in their occupation it would necessarily tend to a levelling-down of the higher salaries is not borne out in reality, since a distinct increase is exhibited in the number of employees receiving the higher salaries.

From the Orders which have been in effect long enough to make comparison the returns show that the fear expressed lest the minimum wage become the maximum has proved groundless, since more than an average of $2 a week per employee is being paid over and above the legal minimum. (Page 85.)

* Cf. Aves' Report on Wages Boards, p. 109, quoted by Pigou: Economics of Welfare, p. 433.

The investigations made by the Board preliminary to the first Conference held in 1918, which dealt with the Mercantile Industry, showed that the minimum wage paid in this occupation was $4 a week; the average weekly wage was $12.77 and the average number of hours worked per week 49.6. The legal minimum wage of $12.75 became effective on February 24th, 1919. Despite the fears expressed at the time it was set, that not only would the working hours be longer, but the minimum would become the maximum, the tabulation of the payrolls made December, 1919, shows that the present average weekly wage is $14.67 and the average hours 46.1 per week, or about $1.92 more than the legal wage for 3.5 hours less. The returns in this occupation were taken during the Christmas season, and show for these weeks a very slight increase in the number of girl employees under eighteen years of age. This is explained by the entry into this occupation of many high school and university girls, who act as sales clerks in the various shops during the holiday season for the purpose of making a little money for the Christmas spending. That this apparent increase is probably a negligible factor is borne out by the fact that other occupations plainly show a decrease. There is also an increase in the number of girls and women employed in this occupation. A glance at the tabulated figures leads irresistibly to the conclusion that very many women workers in the Mercantile section have moved up to a higher rate of pay as compared with the previous year. This is most accentuated, of course, in the case of women workers eighteen years of age or over. Of these, almost exactly one-half were receiving in 1918 less than $12 per week. The 1919 returns show only one in fifteen receiving less than $12, these consisting entirely of learners. There is a substantial increase—from 72 to 119—in the number receiving $20 weekly and over, and a still larger increase in those receiving from $15 to $20 per week, so that the tendency feared by some critics that there would be a levelling-down in the higher salaries is so far non-existent.

In the Laundry Industry the preliminary investigation showed the weekly minimum wage for experienced women over eighteen years of age to be $6 in 1918. The average weekly wage was $11.80 and the average hours 47.2 per week. The legal minimum wage of $13.50 became effective on March 31st, 1919. The average wage rose to $14.48 and the hours fell to 45.1, showing an average of $2.68 more than that of the previous year for 2.1 hours less. An increased number of female employees is recorded, but there is a decrease in the number of girls under eighteen years of age. In this industry also the average wage is well above the minimum.

(3) The Displacement of Workers Inconsiderable.

Every increase of wages threatens to exclude a certain number of workers. But experience shows that ordinarily the number excluded is in the end very small if not nil. (Prof. Hobhouse.)

In all minimum wage legislation a special provision is made to license sub-standard workers to work at reduced rates. Surprisingly few licenses have been applied for. Yet only a slight displacement of workers has been reported, usually in the nature of a readjustment favorable to the worker.

The proportion of women wage-earners to men has not decreased.

District of Columbia.

ORDINARY WORKERS.

District of Columbia. Minimum Wage Board. Third Annual Report. December 31, 1920.

(*f*) Effect on the Number of Women Employed.

Opponents of minimum wage legislation argue that with the establishment of minimum wage rates will come a marked reduction in the number of women employed due to the displacement of women by men. Advocates of the measure hold that with the payment of a more adequate wage will come greater efficiency and therefore very properly a reduction in the number of women required to do a given amount of work. But they contend there will be no wholesale displacement of women by men. What does experience in the District indicate as to the relative merits of these statements?

On the basis of the facts given below we feel justified in stating that the minimum wage has not led to any considerable reduction in the number of women employed nor to any appreciable displacement by men. The slight

decrease in numbers which has taken place in all industries can be readily accounted for by increased efficiency on the part of both management and workers and by general industrial depression. The only displacement worthy of note has taken place in certain small groups of workers who together constitute less than 4 per cent of the total number of women covered by wage orders. Therefore the actual displacement is negligible when considered in relation to the total number of women affected.

In analyzing the figures of the number of women employed in various selected groups of establishments at different periods the changes which took place in industrial conditions between periods should be borne in mind. At the time the wage orders were first applied and our original records of the numbers of women employed were obtained Washington was still on the wave of war prosperity. Business was good and there was a shortage of labor in all lines of work. Women were being employed for many jobs formerly held by men. On the other hand, our latest records were obtained after a large part of the process of readjustment had taken place. Business depression had set in; the labor of men was again available. We are, therefore, comparing the number of women employed in given establishments in a period of prosperity and labor shortage with the number employed in a period of depression and labor surplus. A slight reduction in number may properly be attributed to these changes rather than to the establishment of minimum wage rates.

In the mercantile industry which comprises more than half the women covered by minimum wage orders we find a very slight reduction in the number of women employed. In the seven principal department stores the number employed in February and March, 1919, was 3,190; in November, 1919, after the establishment of the minimum wage was 3,260; in November, 1920, a year later, was 3,014. We find similar conditions in the seven principal 5 and 10 cent stores, where the number of women in February and March, 1919, was 247; in November, 1919, was 258; in November, 1920, 245.

In the hotel and restaurant industry the reduction in the number of women employed since the establishment of a minimum wage is somewhat more marked than in the mercantile industry. In the 15 principal hotels the number decreased from 900 in the summer of 1919 to 801 in December, 1920. In this industry the replacement of men by women during the period of labor shortage was far more extensive than in the mercantile industry. Consequently it is not surprising that there should be a greater reduction in the number of women employed when male labor again became available. Moreover, the hotel and restaurant industry was more directly affected than was the mercantile by the exodus of war workers from the city.

One small group of women comprising not more than 5 per cent of those covered by the hotel and restaurant order were somewhat peculiarly affected by the establishment of the minimum wage. These were the women employed in apartment houses. Although we can not give exact figures, we know that there has been a considerable decrease in their number. These women had during the war replaced men and boys as elevator operators. Because the work was light and agreeable, girls who did not have to support themselves were willing to take these jobs at very low wages, the prevailing rate being $30 per month. When the minimum wage of $71.50 per month took effect, apartment house managers, while admitting that girls were more satisfactory and reliable, replaced them in many cases with young boys at rates of $50 and $60 per month. This laying off of girls is possibly only a temporary phase. Some apartment house managers are hostile to the minimum wage and therefore anxious to demonstrate that it injures the woman employees whom it was designed to protect. Nevertheless they have already in some cases found it advantageous to reemploy girls at the minimum rate. Were it not for the general slump in the labor market this tendency would probably be more pronounced.

In the printing trades, where a rather small group of women are employed, our figures show a considerable de-

crease in the past eight months in the number of women employed. This decrease, however, should not be attributed to the minimum wage, which has been in operation since August, 1919, but rather to the general changes in industrial conditions noted above and to the recent establishment of a trade union rate for bindery women higher than the minimum rate. The number of women employed in the 14 principal printing plants showed no immediate reduction as the result of the wage order. The number in January, 1919, was 273; that in August, 1919, after the order became effective, was also 273. The number in March, 1920, was 245. Between March, 1920, and November, 1920, however, the number fell to 182.

District of Columbia. Minimum Wage Board. Fourth Annual Report. December 31, 1921.

Effect on the Number of Women Employed.

The District of Columbia minimum-wage law has not resulted in the displacement of women workers by men. We feel in a position to make this positive statement on the basis of the figures given in the foregoing sections. Opponents of minimum-wage legislation frequently argue that such a law even though it increases wages for certain groups of women is harmful to the working women as a whole, because it throws women out of work in great numbers and replaces them with men. Our figures are sufficient to disprove the validity of this argument. The decrease in the past two years in the number of women employed has been slight in some groups and nonexistent in the others. It is more than explained by the local change in economic conditions and by the general business depression.

In the two years since the first wage rates were established there has been a change from war-time prosperity to severe business depression. In the same period there has been a decrease in the population of Washington, with a reduction of 27,000 in the number of Government employees. Local business was abnormally expanded in the

war period. It must necessarily have fallen off to some extent with this drop in the population of the city. None the less a comparison of representative identical establishments in the industries covered by minimum-wage orders shows in most groups an almost negligible decrease in the numbers of women employed and in some an absolute increase.

Taking the mercantile industry first as that in which the largest number of women are employed we find in Table VIII that for the 102 establishments included in the original survey the decrease in numbers employed from February-March, 1919, to March-August, 1921, was from 4,557 to 4,347, or 4.6 per cent. Table XIII is a comparison of 197 establishments in November, 1919, and March-August, 1921. Here the decrease is from 5,518 to 5,042, or 8.3 per cent. However, it is interesting to note from Table XX that half this decrease was in minors. Taking the adult women by themselves the decrease in the number employed from 1919 to 1921 was from 4,832 to 4,599, or only 4.8 per cent. It appears that when the merchants cut their working force they preferred to eliminate the minors.

In Tables XIV and XV we see in more detail the slight decrease in the department stores and 5 and 10 cent stores.

In the hotel and restaurant industry a comparison of the 14 principal hotels shows an increase in the number of women employed. Figures obtained in the original survey made in the summer of 1919 show 792 women employed. In the identical establishments in October, 1921, there were 821 women employed. In the restaurants, on the other hand, there has been a decrease more marked than in any other type of establishment. In the 18 principal restaurants the number of women employed was 483 in the summer of 1919 and 392 in October, 1921, or a decrease of 18.8 per cent. This decrease should not properly be attributed to the establishment of a minimum-wage rate. In the first place, restaurants more than any other type of business were adversely affected by the exodus of war workers—most of whom were single girls

living in furnished rooms and hence great patrons of restaurants. There has been an undoubted decrease in the restaurant business in the last two years. In the second place, the war-time shortage of male labor, especially of immigrants, had caused a very extensive substitution of women in restaurants where they had never been employed previously. These girls were replaced when men again became available.

Although we have no figures on the subject it is only fair to state that a similar decrease has taken place among another very small group of women, namely, those employed in apartment houses. During the war-time shortage of male labor colored girls replaced men or boys as elevator operators because they were willing to work for lower wages. These girls have now in their turn been replaced to a considerable extent by men and boys willing because of the present scarcity of jobs to work for less than the women's minimum wage. This is to our knowledge the only case where men have actually undercut the minimum wage, but it is not a genuine case of displacement, since elevator operating was not a woman's occupation prior to the war, and many of the women would probably have been dismissed in any event when male labor became readily available. This group of women never constituted more than 2 per cent of those covered by wage orders and thus are almost negligible in considering the situation as a whole.

In the printing and publishing industry there has been some decrease in the number of women employed in the commercial plants, but a very considerable increase in the number employed in non-commercial publishing houses. The increase in five identical non-commercial plants has been from 442 to 564, or 33.6 per cent.

The decrease in the commercial plants may be properly attributed to the change from an abnormally expanded industry in January, 1919, when the first survey was made, to the state of acute depression prevailing in that industry in the summer of 1921, when the latest figures were secured. If any of the decrease is due to increased wages the establishment of the trade-union rate rather

than the minimum wage must be held responsible. However, in view of the changed industrial conditions the decrease is surprisingly small. For the 36 identical plants shown in Table V the decrease was 12.8 per cent between January, 1919, and two and a half years later. Most of the decrease took place early in the period. From August, 1919, to March to August, 1921, the drop was only 4.6 per cent. Table VI for the 14 principal plants shows an increase in 1921 over 1920.

Table XXI gives in summary form the change in numbers of women employed in each industry between 1919, prior to the establishment of any wage orders, and 1921. In each case it is a comparison of identical establishments representative of the industry and includes all the principal establishments therein. Therefore, the totals of this table afford a valid comparison of the number of women employed before minimum wage rates were established and one and a half to two years thereafter.

Table XXI.—Number of Women Employed in Identical Establishments in Two Specified Years, Before and After the Establishment of Minimum Wage Rates, by Industrial Groups.

Industrial groups	No. of establishments.	Number of women employed in— 1919	1921	Percentage, increase or decrease
Mercantile	102	4,557	4,347	—4.6
Hotels	14	792	821	+3.7
Restaurants	18	483	392	—18.8
Commercial printing and publishing	36	326	284	—12.9
Noncommercial	5	422	564	+33.6
Total		6,580	6,408	—2.6

This comparison shows an average decrease for all three industries of 2.6 per cent. On the basis of these figures it can safely be asserted that there has been no considerable reduction in the number of women employed

in the District of Columbia following the establishment of minimum wage rates.

District of Columbia. Minimum Wage Board. Fifth Annual Report. December 31, 1922.

Effect on the Number of Women Employed.

The District of Columbia minimum wage law has not resulted in the displacement of women workers by men. We feel in a position to make this positive statement on the basis of the tables given in the foregoing sections. Opponents of minimum wage legislation frequently argue that such a law though it increases wages for certain groups of women is harmful to the working women as a whole because it throws women out of work and replaces them with men. Our figures are amply sufficient to disprove the validity of this statement.

Despite the change in business conditions in the District of Columbia from the abnormal war-time prosperity of 1919 to the rather depressed condition of 1922 a comparison of a large number of representative identical establishments shows a slight increase in the number of women employed. The following table is a summary of the comparisons of identical establishments given in the preceding pages. It affords a valid comparison of the number of women employed in these industries in 1919 prior to the establishment of minimum wage rates and the number employed in 1922.

TABLE XVII.—Number of women employed in identical establishments in two specified years, before and after the establishment of minimum wage rates, by industrial groups.*

Industrial groups	No. of establishments	Number of women employed in— 1919	1922	Percentage increase or decrease
Mercantile	96	4,543	4,511	—0.7
Hotels	11	663	660	—0.5
Restaurants	17	469	359	—23.5
Commercial printing and publishing	29	289	263	—9.0
Noncommercial	5	422	603	+42.9
Total		6,386	6,396	+0.2

(Condensed.)

This table shows that although in one industrial group there has been a considerable decrease in the numbers employed, this is offset by a substantial increase in another group, so that taking all the groups together the number of women employed is unchanged, or rather very slightly increased.

The only considerable decrease in the employment of women took place in the restaurants. Figures for the 17 principal restaurants show a decrease of 23 per cent in the number of women employed. However, this decrease cannot properly be attributed to the establishment of a minimum wage rate. The restaurant business, probably more than any other, was abnormally expanded during the war period. A large part of the population temporarily added to the District of Columbia during that period were single girls living in furnished rooms, and hence great patrons of restaurants. The exodus of war workers from the city inevitably caused a slump in the restaurant business reflected in a diminution of the number of employees. Furthermore, the wartime shortage of male labor, especially of immigrants, had caused an extensive substitution of women in restaurants where

* Also includes minor girls in all industries and minor boys in the mercantile industry.

they had not previously been employed. It was natural that these girls should be replaced when men again became available.

In no other industrial group do we find any substantial decrease in the number of women employed in 1922 as compared with 1919 before the wage rates took effect. In the hotels the number was unchanged. (The decrease of 0.5 per cent is certainly negligible.) In the mercantile industry the same is true. (Here the decrease was 0.7 per cent.) In the printing industry, if we take the commercial plants separately, we find a decrease of 9 per cent, but if we consider the commercial plants and the non-commercial together we find an increase of 22 per cent.

It appears from these figures that there has been no reduction in the number of women employed in the District of Columbia following the establishment of minimum wage rates.

Sub-normal Workers.

District of Columbia. Minimum Wage Board. Second Annual Report. December 31, 1919.

Under the law [special licenses] may be issued to a person "whose earning capacity has been impaired by age or otherwise." Of the 51 licenses issued, 45 were to women whose earning capacity was impaired by age; 3 of the remainder were to subnormal girls, and 3 were to women whose physical condition did not permit them to do heavy or continuous work. The latter 3 were issued for short periods only, at the end of which it is expected that the licensee will have regained her health. The rates at which licenses were granted ranged from $10 to $15, the great majority being at $12 or $14. (Page 24.)

No piece of constructive legislation can be put into effect without causing some destruction; so it is with the minimum wage law. The putting into effect of the minimum wage orders revealed the existence of a considerable number of able-bodied persons who because of

lack of initiative, education, and opportunity were unable to compete on an equal footing with the other workers in a particular class of work. For example, some women who had been employed as saleswomen were dismissed when the order became operative on the ground that they were incapable of earning the minimum rate. Many of these women were not qualified to serve customers, although in another occupation having different requirements they might easily earn a living wage. This shifting into new lines of work for which the woman is better suited makes for the ultimate good of the individual as well as of the community. One drawback, however, to a perfect adjustment of the worker to the job is found in the limited number of industries in the District. There are comparatively few factories to which the woman unfitted for salesmanship can turn. Hotels, restaurants, laundries, telephone and telegraph offices are the only establishments which offer employment on a comparatively large scale. These industries may not offer the kind of work for which the applicant is best suited.

There are other groups of women for whom no occupation can possibly be found in which they can compete successfully with workers of ordinary ability. Those whose earning capacity has been impaired by age or physical or mental disability are permitted under the law to secure special licenses authorizing their employment at a rate less than the minimum. This provision has made it possible for certain women to retain their jobs when otherwise they would have been dismissed. It is in effect, however, a mere begging of the question. If these women are unable to earn a living wage some other provision should be made for them. They ought not to be allowed to drag out their existence on the pittance which they are able to earn. Furthermore, there are other substandard workers whose disabilities are of too indefinite a nature to permit their coming under this provision of the law.

The attention of the community cannot be called too soon to the existence of these groups in industry who

appear to suffer from rather than benefit by the minimum wage law. The children, the widows, the aged and infirm, the mentally defective, the substandard workers cannot be adquately protected by wage legislation. They must be cared for in some other way. When other provision is made for these groups the work of the Minimum Wage Board can be rendered more constructive and effective. (Pages 28-29.)

LEARNERS.

District of Columbia. Minimum Wage Board. Third Annual Report. December 31, 1920.

Experienced Workers Have Not Been Replaced by Learners.

There has been no tendency on the part of employers to substitute inexperienced workers at rates less than the minimum for experienced workers. On the contrary, we find a gradual and marked decrease in the percentage of learners employed in both the printing industry and in the stores. From August, 1919, to November, 1920, the percentage of learners in the printing trades decreased from 29 to 7 per cent. In the department stores during the year November, 1919, to 1920, the percentage of learners decreased from 26 to 17 per cent. In the 5 and 10-cent stores for this same period a corresponding decrease of from 45 to 27 per cent took place.

District of Columbia. Minimum Wage Board. Fourth Annual Report. December 31, 1921.

Experienced Workers Have Not Been Displaced by Learners.

The tables in the preceding sections are also conclusive proof that the establishment of a minimum-wage order under which inexperienced persons can be employed at rates below the minimum has not served to displace experienced workers by such learners. Em-

ployers apparently appreciate the greater value of experienced employees so that the possibility of securing inexperienced persons at lower wages does not lead to an increase in their employment. All the figures for both the printing and publishing and the mercantile industries show a steady decrease in the proportion of persons employed at learners' rates. In the hotel and restaurant industry no learners' rates exist.

Table VI shows that in August, 1919, immediately after the printing and publishing order took effect 29 per cent of the persons coming under it in the 14 principal plants were rated as learners; by March, 1920, the per cent had dropped to 13 per cent; by November, 1920, to 7 per cent; by October, 1921, to 5 per cent.

Table XIII shows the same tendency for the mercantile industry as a whole. In November, 1919, the week after the order took effect, 24 per cent of the women and minors were rated as learners; by 1921 this per cent had dropped to 11 per cent. Table XIV shows the same thing in more detail for the department stores, where the per cent rated below the minimum dropped from 26 per cent in November, 1919, to 16 per cent in November, 1920, to 12 per cent in October, 1921. The corresponding per cents in the 5 and 10-cent stores were 45, 27 and 28 per cent. (See Table XV.)

District of Columbia. Minimum Wage Board. Fifth Annual Report. December 31, 1922.

3. Experienced Workers Have Not Been Displaced by Learners.

The tables . . . for the printing and publishing and mercantile industries offer conclusive proof that the establishment of sub-minimum rates for learners have not caused any displacement of experienced workers by these learners.* On the contrary, since the orders took effect there has been a continuous decrease in the proportion of learners employed. Employers apparently ap-

* No learners' rates exist in the hotel and restaurant industry.

preciate the greater value of experienced employees. Despite the possibility of securing inexperienced persons at lower rates there is no tendency to increase their numbers.

Table VIII for the commercial printing and publishing plants shows that immediately after the introduction of the $15.50 minimum wage 24 per cent of the women and girls employed were paid less than $15 per week, i.e., were employed as learners. By 1922 this proportion had decreased to 7 per cent. In the mercantile industry Table XI shows a similar decrease. Immediately after the minimum wage took effect the proportion rated below it (i.e., as learners) was 24 per cent. Three years later it was only 11 per cent.

4. Experienced Workers Have Not Been Displaced by Minors.

The decreased employment of minors since the introduction of the minimum wage affords another proof that there is no tendency to displace experienced workers by persons who may be employed at lower rates. The mercantile industry is the only one in which, under our orders, minors may be employed at lower rates than adults. In that industry, while the adult learning period is seven months, with rates of $12.50 for the first three and $14.50 for the next four, the minor learning period extends up to the age of 18, with rates of $10 for the first four months, $11.50 for the next four, $13 for the next four, $14.50 for the next six, and $16 thereafter until the eighteenth birthday is reached.

Despite this differential in rates, it appears that employers have tended more and more to dispense with the services of children. Our figures show a continuous decrease in the number and proportion employed.

Table XVI is a comparison of identical mercantile establishments for the week following the introduction of the minimum wage rate and for periods two and three years thereafter.

TABLE XVI.—Comparison of the ratio of minors to total woman and minor employees in 182 identical mercantile establishments immediately after the establishment of a minimum wage rate, and two years and three years thereafter.

Date	Total woman and minor employees	Number of minor employees	Per cent minor employees	Per cent decrease from 1919 in total woman and minor employees	Per cent decrease from 1919 in minor employees
1919	5,453	678	12.4	—8.4	—34.7
1921	4,995	443	8.9	—8.4	—34.7
1922	5,086	402	7.9	—6.7	—40.7

This table shows that while the total number of women and minors employed in these establishments decreased only 7 per cent between 1919 and 1922 the number of minors decreased by more than a third or 41 per cent. Although the minors constitute only about a tenth of the total number, the decrease among them accounts for three-quarters of the decrease in the total number.

MEN.

District of Columbia. Minimum Wage Board. Second Annual Report. December 31, 1919.

One effect of the high minimum wage rates predicted by some business men was the wholesale displacement of women by men. In the printing, publishing, and allied industries no case of displacement has been called to our attention. Neither has there been a falling off in the total number of women employed in these industries.

In the mercantile industry men have replaced women in certain occupations where their superior strength enables them to do heavier work in addition to their regular task, but such replacement has been comparatively slight. There has been a decrease in the number of women employed as maids and cleaners in the ladies' specialty shops, a smaller number of better paid employees taking the place of a larger number of poorly paid workers. A

distinct advantage to the community results from such raising of the efficiency standards. Whether such a reduction in the labor force will take place in the larger stores is problematical. Since the order became effective these establishments have taken on a large number of workers to take care of the holiday trade. If there is a cut in the normal working force it will come during February. But this is a period when the labor force ordinarily reaches its lowest level, so it will be difficult to determine how much the reduction is due to trade conditions and how much to the minimum wage. All the indications are that the employee of ordinary ability will not be affected adversely by this legislation. (Pages 27-28.)

California.

California. Industrial Welfare Commission. Third Biennial Report. 1917-1918.

Summing up the accomplishments of the mercantile order, the effects were found to be:

2. That the number of employees was not decreased, but increased 10 per cent. (Page 48.)

A summary of the effects of the order of the Industrial Welfare Commission in the laundry industry leads to the same conclusions as in the mercantile industry:

2. Employees did not lose their positions because of the order. (Page 87.)

Section 8 (as amended, Stats. 1915, Chap. 571): (a) "For any occupation in which a minimum wage has been established, the commission may issue to a woman physically defective by age or otherwise, a special license authorizing the employment of such license, for a period of six months, for a wage less than such legal minimum wage; and the commission shall fix a special minimum wage for such person. Any such license may be renewed for like periods of six months." The commission exer-

cised its power to issue infirm workers' licenses, authorizing employment for a wage less than the legal minimum. It was recognized that there are persons incapable of attaining even the minimum standards, who would become hopeless charges on the community, if denied all opportunity to work. If industry were compelled to give the same terms to the incapacitated as to the competent workers, the former could not hope for employment. This special license, however, must be secured from the commission for each worker. This is issued only upon joint application of employer and employee. The employee must state the length of employment in the industry, the reason for the application, and her age. The employer agrees to give the applicant employment at specified work and at a specified rate. An investigation is made that takes into account the previous earnings of the worker and the earnings of other workers as one measure of comparative skill, the physical conditions, age, training, the other facts that might cause a smaller output. If the worker proves incapable of regular promotion, or of earning the minimum, the special license is granted, renewable every six months. This may specify a weekly time rate less than the legal minimum, or may permit the employer to pay whatever the employee is able to earn at the current piece rates. (Page 66.)

No license has been granted to any woman except upon the signed statement of a licensed physician that the applicant was not able to work to normal capacity at ordinary tasks, either because of age or physical disability. A wage of $8 to women who are incapacitated is a very real aid. The commission safeguards wage standards of the normal worker by careful restrictions on the permits. The commission has been very conservative in granting the privilege, less than 3 per cent of the total employees in November, 1918, holding such permits. (Page 70.)

Massachusetts.

Minimum Wage Commissions. Current Facts. January 1920. National Consumers' League. New York.

Before the Massachusetts retail store decree went into effect, in January, 1916, the 26 neighborhood houses of Boston offered to help readjust girls and women discharged as "too unskilled, ignorant or incompetent to be worth the minimum wage."

No considerable number of them was found, except from one store, which had 49. Seventy were listed from 12 stores. One-third of these found work right away, the rest more slowly, except 5 "unemployables," who could find no work in nine months.

Nine months after the decree those who were reemployed earned an average of $7.71 a week, in contrast with their former earnings of $5.44.

The public, which pays the costs of industry, is entitled not to be served in stores and restaurants, over the telephone and on trolley cars and elevators by the mentally defective.

In laundries, factories and in public kitchens, where they may be a menace to the safety of their fellow employees, their presence should be discouraged. (Page 14.)

Massachusetts Department of Labor and Industries. Division of Minimum Wage. Report for the year ending November 30, 1921.

Among the problems encountered in the inspection work of the year, one of the most difficult to deal with has been the evasion of the decrees through violating their intent while technically meeting the requirements. This has occurred principally under the office and other building cleaners decree. Although the majority of the building managers accepted the spirit as well as the letter of the decree, some discharged part of the women and required the remainder to do all of the work in propor-

tionally less time. In this adjustment 50 women were discharged. The number is large in comparison with that under other decrees. It represents, however, only a small part of the entire number of women under this decree. Moreover, the unemployment which characterized the period made it easier to take such action than would otherwise have been the case. (Page 16.)

Minnesota.

Ohio. Council on Women and Children in Industry. Minimum Wage Study. 1920.

Eliza P. Evans, Secretary, State of Minnesota Minimum Wage Commission:

In so far as I know, not one woman or minor in the State of Minnesota has been thrown out of work permanently by the Minimum Wage Law. Young girls especially have lost their jobs, but in most instances the loss of the job was a good thing, because prior to the promulgation of the Minimum Wage Law, employers had been in the habit of keeping girls who were little or no good, because they could get them for a low wage and, of course, this was a great injustice to the girl. The result has been that the girls have been forced to find the kind of work for which they were fitted. (Page 26.)

North Dakota.

North Dakota. Workmen's Compensation Bureau. Minimum Wage Department. Second Biennial Report. July 1, 1920, to June 30, 1922.

That there is no basis for the argument that women will be forced out of industry by minimum wage and hour legislation has already been proved conclusively in this state, as it has long since been proven in other states where such laws are of long standing; for, as we have pointed out in our former report, there are two vital

factors which cannot be overlooked. Namely, that, first, there are certain classes of work for which women are peculiarly fitted by temperament and ability, and that such work will always be more efficiently and satisfactorily done by women. Second, that no matter how short the working day, nor how adequate a minimum wage scale is established, male labor is still more expensive to the employer. (Pages 2-3.)

Washington.

Washington. Bureau of Labor, Statistics and Factory Inspection. Tenth Biennial Report. 1915-1916.

After the minimum wage for mercantile establishments had been in effect about sixteen months, the Bureau of Labor was asked to collect statistics on its effect and in October, 1915, we began a survey for that purpose. (Page 270.)

We personally interviewed each girl and asked the questions on the blank. Almost three thousand girls responded and the result of the information gained was more than gratifying. Regarding the question, "Do you know of any girl who has lost her position on account of the minimum wage?" we were able to get the names and addresses of many, and on interviewing them personally we found there were other reasons, but most of them had secured positions elsewhere and were getting the wage while some of the younger girls had returned to school, hence the cry that so many had lost their positions was groundless. (Pages 270-271.)

Washington. Industrial Welfare Commission. Third Biennial Report. 1917-1918.

Legal minimum wages for women and minors were established, in 1914 and 1915, in the mercantile, manufacturing, laundering, telephone and telegraph, hotel and restaurant industries of the State, and in office occupa-

tions. The minimum wage of adult women in the different industries, then established, was as follows:

Office and mercantile	$10.00 per week
Manufacturing	8.90 per week
Laundry, telephone, telegraph, hotel and restaurant	9.00 per week

These wages were placed in effect at a time of serious business depression, but notwithstanding that fact, they have been successfully maintained without the lessened employment of women. These wages, though the highest minimum wages on record at the time they were adopted, have become entirely inadequate under the present high cost of living, and, by the time this report goes to press, will have been superseded by the new wage of $13.20 per week . . . which will become effective on November 10th, 1918. (Page 21.)

Washington. Industrial Welfare Commission. Fourth Biennial Report. 1919-1920.

Section 13 of the act provides for special disability licenses for women who are "physically defective or crippled with age or otherwise." These have never been issued by the Commission except after personal investigation of the case by a member of the Labor Department.

Under this provision only 58 licenses have been issued since June 27, 1914. Some of these applicants have been permanently physically defective or crippled, but most of them have recovered and their licenses have expired.

The fololwing report shows the ages of the applicants and the reason for issuing the license. It will be noted that 18, or almost one-third, have passed their fiftieth birthday, and 32, or almost two-thirds, have passed their fortieth birthday. It would seem that there should be some provision made by the state to care for these aged and physically defective women who are dependent upon their daily toil for support.

Cause for License.

Advanced age.....	17	Very heavy, unable to stand long	1
Deaf and Dumb.....	3	Frail	6
Crippled from birth...	1	Extreme nervousness..	4
Crippled by injury....	5	Neuralgia	1
Paralyzed leg	1	Ill health	8
Rheumatism	6	Recovering from operations, etc.....	4
Painful hips for 18 years	1		

(Condensed.) (Pages 34-35.)

Wisconsin.

Wisconsin Industrial Commission. Progress of Work Report. January, 1922.

The leading tobacco warehouse firms have been written to to ascertain their views upon a possible solution of the difficulties met with in applying the minimum wage to tobacco stemming warehouses: tobacco stemmeries are to pay such piece rates as will enable 75 per cent of the women employees under 50 years of age to earn 28c per hour at warehouses where the tobacco is steam cased and 25c per hour where the tobacco is moistened by water. The largest firm has advised the commission that this plan is satisfactory and will solve the problem of elderly employees who are handicapped in earning the minimum wage by reason of their age.

A study has been started by the women's department in the city of Milwaukee to get at the adequacy of the rates paid for home work. Because so many different articles are manufactured in homes, this study involves a very great amount of detail and will not be completed for some months. (Page 13.)

Wisconsin Industrial Commission. Progress of Work Report. February, 1922.

Scattered instances of the displacement of women by men are reported; but there is no question that on the

whole the number of women employees has been reduced much less than the number of men employees. Even in factories where men might easily replace women, they have not done so to any great extent. In fact, the Milwaukee employment office reports that during the last months the first calls ever received for women timekeepers have come in. (Page 12.)

In General.

Sub-normal Workers.

American Minimum Wage Laws at Work. Dorothy W. Douglas. *American Economic Review. Vol. IX, No. 4. December, 1919.*

So far the total number of licenses issued [to defectives] by the active minimum wage states has been surprisingly small. Washington reports only fifty in five years of commission activity. The California commission states in respect to the laundry industry, where infirm workers are more easily accommodated than elsewhere: "No license has been granted to any woman except upon the signed statement of a licensed physician that the applicant was not able to work to normal capacity at ordinary tasks, either because of age or physical disability." Even then no license is granted for less than $8. * * * In November, 1918, less than 3 per cent of the total employees * * * [held] such permits.*

None of these states report any difficulty because of applications from the mentally defective. In many cases of course the mentally defective would also be physically handicapped, and thus receive their classification without question. Of the six licenses thus far issued by the Minnesota commission, three were for women thus doubly handicapped. Our informant states that no case of purely mental defect has as yet arisen. The Washington commission reports similarly: "We have had no application from a mentally subnormal person."

*Third Biennial Report I. W. C. of California, p. 70.

In view of the large number of mental defectives known to be at large in our population, this state of affairs is certainly surprising. Perhaps the majority of them find their way into simple piece work operations where their reduced output can affect no one but themselves.** Others doubtless drift about from job to job, never making themselves valuable enough to an employer to cause him even to try for a license for them. But a large remainder appear to be still unaccounted for. Can it be that much of our industry is so simplified and routinized that even a moron is good enough to support herself at it? Nay, possibly that she may in some respects be preferable to her normal and therefore more restless sister? (Pages 726-7.)

**However, in a state like California they would probably be discovered even there, if large numbers congregated in any one branch of piece work, for California has the provision in her ruling on manufactures that 66 2-3 per cent of all piece workers employed by any one establishment must earn over the weekly rate. (I. W. C. Order No. 11, amended 1919, sec. 8(d).)

Great Britain.

Great Britain. Report to the Minister of Labour of the Committee Appointed to Enquire into the Working and Effects of the Trade Boards Acts. London. April, 1922.

30. (A.) As regards unemployment and dislocation of trade generally, witnesses representing employers' organisations interested in the Ready-Made Tailoring, Shirtmaking, Tin Box and Paper Bag Trades stated that the operation of Trade Boards in their trades had not caused unemployment, and that such unemployment as prevailed was due to the general depression of trade and to other circumstances over which Trade Boards had no control. General submissions of a similar character were made by a witness for the London Chamber of Commerce and by representatives of workers' organisations.

31. As regards charges on these grounds made against individual Trade Boards, it was urged by workers' organisations interested in the Retail Dressmaking, and Hat, Cap and Millinery Trades that, apart from the inevitable reaction of general trade depression, one of the chief causes of the depression in their trades, and especially in retail dressmaking, was the growing success of the wholesale sections of their trades in producing ready-made articles which satisfied the requirements of customers who had hitherto purchased only garments made to order. They stated that the competition of the ready-made articles had been making itself felt many years before Trade Boards had begun to legislate and was an inevitable cause of dislocation in the retail sections of the trades. It was admitted by witnesses of certain employers' organisations that the ready-made section had begun to encroach on the retail sections in the early years of this century.

32. It was further submitted that in these trades the charges on the ground of unemployment caused

had been stated with exaggeration. It was urged that the trades were seasonal, and that heavy discharges of workpeople at certain seasons of the year were a normal feature before Trade Boards were set up; and it was suggested that in the criticism of the work of the Boards for these trades no sufficient account had been taken of unemployment due to normally recurrent seasonal depression. . . . .

34. As regards the charges levelled against the Laundry Trade Board, a representative of the workers' side of the Board, while implicitly admitting that a reduction in the number of persons employed in the trade had taken place since the Board started to legislate, stated that the reduction had been in progress for many years previously, owing to an extensive development of the use of machinery. The operation of the Trade Board, in so far as it had tended to reduce the number of persons employed, had, it was urged, been in the direction of decasualising the industry and of giving regular employment to the workers retained.

35. Workers in the Flax Trade submitted that even if the Trade Board rates were reduced by 50 per cent. unemployment would still continue. They contended that the high price of raw flax owing to the failure of Russian supplies had forced up the price of manufactured articles beyond the capacity of the consumer to pay, and that even if a heavy demand were to arise there would be a shortage of raw material to meet it. (Pages 19-21.)

Great Britain. Committee of Enquiry into the Working and Effects of the Trade Boards Acts. Minutes of Evidence. 1922.

ORDINARY WORKERS.

Statement of Mr. Humbert Wolfe, C.B.E., Principal Assistant Secretary at the Ministry of Labour in charge of the Trade Boards Branch. On October 12, 1921.

666. Unemployment, of course, is the point which has been urged most generally in the Press and elsewhere, as the reason against extending Trade Boards further, and as a general reason against having Trade Boards at all, particularly in the distributive trades. I would like to make two general observations upon that at the outset: the first that it is extremely difficult for anybody to say with certainty what the cause of the present unemployment in any trade is. . . . . It is rather an audacious employer who asserts generally that the unemployment in his trade is due to a Trade Board. The second general point is that it would be absurd to pretend that a Trade Board could not fix a rate which would smash its trade, of course it could. If they liked to commit suicide—the employers who were in the trade and the workers who have got to work in the trade—they could fix a rate which would put the whole trade out of business; but it is not likely that they would do it. . . . . If I liked to use what would not be a fair thing from my point of view, I could dispose of the whole case against Trade Boards on the grounds of unemployment, by reading out the percentages of unemployment in the trades covered by Trade Boards and the non-Trade Board trades. The actual statistics are the following:—The percentage of unemployment in industry generally at 16th September, 1921, was 12.4; in Trade Board industries, 10.2; and in non-Trade Board industries, 13.3. It would, therefore, appear to follow that the one way to avoid unemployment is to have a Trade Board in your industry. I make no such claim in

behalf of Trade Boards, because I began by saying that it is not fair to attribute unemployment to any single cause, but I think one is entitled to say, having regard to those figures, that at any rate at first sight there is nothing to show that a Trade Board by its operation does, in its own trade, increase unemployment. (Page 43.)

483. When the notice [of minimum rates in the country districts in the Dressmaking Trade] was exhibited to them [the employers] they said: "Well, if we pay this, we shall have to discharge our work people." We know perfectly well that some employers are less scrupulous than others about that sort of thing, when new legislation comes in. The people who were making these enquiries were not inexperienced; they were our most experienced inspectors, and they were convinced that this was not evasion, but that it was true. . . . . On the Board the workers' side were particularly interested in factory conditions and much less interested in conditions in the small rural areas, and they themselves were not indisposed to think that in the country the treatment might be rather different; and when we put it to them that 9s. was too high they said that they themselves had been considering the matter, and in fact they reduced it to 6s. . . . . I like to give that case, because that and another are the only cases in which our inspectors have found any evidence whatever to show that Trade Boards rates would, if enforced, have caused unemployment. (Page 29.)

On October 13, 1922.

673. . . . . Parliament has laid it down that in trades where the operation of economic laws has not given the workers an adequate wage the State shall intervene to protect the workers in spite of those laws. The possibility that its intervention might cause unemployment was envisaged, and it was decided in effect that the advantages to the majority of a reasonable wage must in the long run outweigh the temporary loss to the minority. But by providing that wages should be fixed trade by trade by a body, half of the representative element of

which consisted of employers in the trade, a guarantee was given that the dislocation, if any, would be kept within the narrowest limits. What I mean by that is that you cannot hope when you set up a Trade Board, not to cause some little dislocation; it is inevitable. You have in some trades employers so inefficient and employing such sweated labour, that if they have to pay a reasonable rate they go out of business. Parliament, I imagine, came to the conclusion that it was better that they should. If the trade is a trade which is likely to persist, it is not possible that the dislocation is going to last for a long period; and the result of better wages and conditions should be rather to increase employment in the long run than to decrease it. I do feel that very much which has been written about unemployment has not been proved. As I say, it is a charge which is as difficult to refute as to prove. I cannot refute it by producing my unemployment figures, because I say that I would not be using them fairly if I did. On the other hand, if employers appear before you and say that dismissals have been made on this and that account, I think it would be very difficult for them to prove that it is only due to the Trade Board rates. I should, however, just like very briefly, to mention the case of the jute trade. Employers in the jute trade asked for exclusion from the Acts because they said that they could not get on with their production at all because of the high rates fixed by the Trade Board. They said they required a 25 per cent. reduction in rates at once, and they said that that would make all the difference to them. I got out some figures when the application was made—they may be challenged—which indicated that a 25 per cent. reduction in jute wages would mean a reduction of less than 5 per cent. in the cost of production, and that on the other hand from March, 1920, when the price of jute was £64 a ton, it had gone down to £29 a ton in September, 1921. (Page 44.)

674. . . . . A 25 per cent. wages reduction or increase is not going to make a very alarming difference in these circumstances.

682. . . . . Some of them said that it would revive employment, but if you put to them a straight question, "If wages are reduced 25 per cent., will you guarantee to employ one man one hour more," I am not sure that you would have got an affirmative answer. . . . (Page 45.)

On February 22, 1922.

13,103. . . . . I think there are half-a-dozen reasons contributing to unemployment, and when I gave evidence last, I had not, and have not since, found it established that the Trade Board rates themselves directly cause, or can be alleged to cause, unemployment, except, as may happen, in a case where an inefficient employer is unable to organise his business adequately. That is inevitable when you start a new system. (Page 937.)

Statement of Mr. John Carr, Director of Peek, Frean and Co., Ltd. (biscuit makers) in behalf of Manufacturers' Section of London Chamber of Commerce. November 2, 1921.

927. *Lord Cave:* You do not yourself know of any such case?—Personally I am quite satisfied that the rates fixed by the Trade Boards have in no case caused unemployment. (Page 114.)

Statement of Mr. David Little, past chairman of the Wholesale Clothing Manufacturers' Federation and employers' representative since July 1910 on the Tailoring Trade Board and its successor, the Readymade and Wholesale Bespoke Tailoring Trade Board. December 6, 1921.

It has been stated in some quarters that if Trade Boards were suspended some hundreds of thousands of men now out of work would be fully employed. This statement is questioned, as in general it will be found that there is no more unemployment in the case of trades which come under Trade Boards than there is in other trades which are not governed by these bodies. Further, if

the complaint is to any extent well-founded, the cause is one of insufficient elasticity on the part of the Boards in that they have not the necessary powers to carry out quickly any variations in wages that may be made. Probably during the war period and the time since the opportunity might have been taken by the Government to accommodate by legislation the action of Trade Boards towards the existing abnormal conditions.

4028. *Lord Cave:* Have you any observations to make about unemployment?—We do not agree with the idea that unemployment is worse in trades covered by the Trade Boards Acts than in trades not covered.

4030. We have in Leeds prepared for use every month a very detailed account of the numbers of unemployed, and they are graded down right through, and I scan them very carefully each month when we get them; and I am bound to say that there is no evidence there—and we have, I think, in Leeds perhaps as many industries as the average place—that it is a punishment to an employee to be in a trade which comes within the scope of the Trade Board Act. (Page 321.)

Statement of Mr. R. M. Maxwell on behalf Scottish Garment Makers' and Millinery Trades' Federation (300 employers and 7,000 employees). December 8, 1921.

4981. "Unemployment and Trade Board Rates. A good deal has been said recently as to the extent of unemployment due to Trade Boards rates. In our case we think that is justified to some extent in Scottish country districts, owing to the failure of the Trade Board to differentiate the rates, and it possibly also has caused unemployment in Scottish towns among the humbler classes of business. We, however, are of the opinion that the real causes of unemployment in our trades are much wider and more deeply rooted. Some of these causes exist in the trade itself, such as the rapidly increasing tendency towards the selling of ready-made garments.

Many employers blame the Trade Board, however, as the sole cause of unemployment, because of the natural and human irritation at being subjected to fresh regulations, which may involve some little adaptation of their ordinary business activities, an irritation with which we have all full sympathy." (Page 369.)

Statement of the National Farmers' Union.

It was always recognized that even within what the National Farmers' Union regards as the legitimate function of Trade Boards, their operations would lead to a certain amount of unemployment; the justification of this was that it was cheaper in the end for the State to support industrial or social inefficients at a definite cost rather than allow them to be exploited by unscrupulous employers with a resulting indefinite liability upon the State in the form of public health services, etc. (Page 991.)

Statement of Professor L. T. Hobhouse, D.Litt., LL.D. Chairman of ten Trade Boards. (Has resigned from four of these which appeared to have come into smooth waters, namely, the Paper Bag, Tin Box, Wholesale Mantle, and Boot and Shoe Repairing Boards.) January 12, 1922.

9453. *Lord Weir:* You may replace underpayment by unemployment?—There is always that danger. There, I think, the Trade Board has some advantage over anything rigid. The Trade Board keeps this question of unemployment before it constantly. It never meets in these days without having this question put forward by employers very fully. There is nothing which burdens the conscience of an Appointed Member more than the fear that he may be causing unemployment by one of his decisions. The chief difficulty we have in this matter turns on the point of information. Supposing it is said to me: "Here is your rate of 8d. per hour, and there are lots of women unemployed." I say, "Suppose we agree to 7d., how many should we get into employment?" and no

one can answer. If we went to 3d. or 4d., or even to 1d., employment would leap up, but the people would starve, or have to live on something else. If you talk about a reduction which would keep them without some sort of subsistence limit, no one can say what the result would be.

9454. *Lord Cave:* But still it is true that if the wages are so high that they cannot be passed on to the consumer without stopping the demand, then unemployment must result?—In a general way that is true, but you do not know the quantitative relations; that is the difficulty. (Page 690.)

9119. . . . . My feeling was that on the evidence they [Rope, Twine and Net Board] themselves had given me it was the general industrial situation, and particularly the depreciation of European currency, which was the cause of the greater part of their troubles. Theirs is largely an export trade. He [Mr. Buckpitt] spoke of the impossibility of competing with Germany and Belgium. He went into the question of the German mark and of the Belgian franc and the rates of wages and the impossibility of competing. That leaves you with a very confused and uncertain sense of what the effect of any reduction of any nature which you could at all contemplate is going to be. Of course, if you cut the wages down to nothing it would have a great effect; but any reduction you could contemplate would seem to be a small matter. (Page 676.)

Statement of Mr. W. Addington Willis, Chairman of the Boot and Shoe Repairing, and the Toy Trade Boards, and Deputy-Chairman of the Brush and Broom, the Hair, Bass and Fibre, and the Grocery and Provisions Trade Boards, and arbitrator or conciliator in over 260 industrial disputes. February 1, 1922.

11,270. *Lord Weir:* It has been suggested, of course, that higher rates have caused unemployment also, especially in country towns?—Well, I do not know; I have

never heard of any proof of it. I have kept my ears open; we have District Trade Committees, as you know, and I am always on the look-out for any indication as to the effect of our Trade Board Orders; and I have been surprised that I have not heard more of unemployment owing to that cause, simply because where you are introducing something new, and which you think is an improvement, very often you do dislocate things; but on only two occasions have I come up against anybody who has been able to make the assertion that owing to our Trade Board rates he has thrown men out of employment. One case was, I think, in Northampton; if not Northampton, it was Norwich; and in the course of argument, not on this question, but on some other question, an employer did say: "When the Trade Board rates came out I had to discharge half my men." That astonished me, and of course I followed it up, and I found that the men he was employing before were two. They were both skilled; he told me they were both equally skilled, and I asked him what he was paying them. To one man he was paying a sum which was about £3, somewhere near our rate. The other man he was paying 26s.

11,271. . . . . He discharged the 26s. man, and I was anxious about that man, and I said: "Well, what became of him?" "He went and got another job." "Where?" "In the town." "What as?" "A boot repairer." (Page 803.)

SUB-ORDINARY WORKER.

Summary of Mr. J. J. Mallon in behalf of the Trade Boards Advisory Council of the General Council of Trade Union Congress and member of thirteen Trade Boards.

On February 8, 1922.

12,091. . . . . The "ordinary worker" clause is very ingenious, if I may say so, and has worked on the whole with astonishing success. It is applied with such elasticity that it is conceivable that you might have a hundred

workers on a given piece-rate, and they might all be earning at a rate less than the piecework basis time-rate, and yet that rate might be pronounced fair within the meaning of the Act, because it might appear that every one of those hundred workers was in some way infirm or old, or decrepit, and if that were so, all those workers would be seen to be sub-ordinary workers, and the employer would not be open to any penalty for employing these persons at rates which yielded less to them than the prescribed rate. All he has to do is to see that his piece-rate is fair. When the piece-rate is fair he need not worry any more. (Page 867.)

On February 15, 1922.

12,411. *Chairman:* There are trades in which there is not and can be no piece-rate?—That is true.

12,413. You cannot provide for the slow worker there by putting him on piecework?—No.

12,444. *Mr. Poulton:* Supposing a basic rate was kept intact, there is no reason, is there, why it should not be sufficiently widened for these abnormal cases to be dealt with?—When cases of that sort are referred to the Board the Board does not, I think, stand too nicely on ceremony. If it is satisfied that a case is made out that the worker is for some reason not normal—it does not worry too much over the words of the section—it gives a permit. But the consideration that lies behind all this, I think, is that both sides want as far as possible to get rid of the sub-ordinary worker—I mean in an entirely painless way. You do that by preventing people who are not fit for an industry from getting into it. What we are doing gradually under this Trade Board system is to have a test applied to any young worker who seeks to enter a particular trade. Generally no question is asked for a month in all the trades where we have the system of issuing certificates for learners, and in some cases for longer. During that month the employer has a chance of ascertaining through his representatives, the Welfare Worker or whoever it may be, whether the worker is

really fit for that trade. If the girl is not fit for that trade then she is turned away, and it is good from every point of view that she should be. In this way, in this entirely painless way, we are getting rid of the ordinary worker difficulty.

12,415. *Dame Adelaide Anderson:* She has to find some other trade?—Yes, she has to find some other trade; she is removed to something which is more appropriate to her. In the past no test of that sort was applied, and thus a very large class of sub-ordinary workers was brought into existence. There may be here and there some present difficulty and possibly some little suffering—I do not say that there is not—but I am sure that the effect of the Trade Board machinery, if you take a long view, is to prevent the slow worker from being created.

12,416. *Sir Arthur Pease:* Where does she go to?—That is a question almost always of the suitability of the trade. If you take a worker who has previously been fit for some manual employment, and put her into a trade in which she has to work with her head, she is not very good. At present there is no attempt really to suit people to their jobs, and all kinds of people do get into the wrong trades.

12,417. But the man or woman I am thinking of is a man or woman that nobody would want in any trade or any occupation unless they could get him or her at a considerably lower rate than is the ordinary rate of the trade. Are you going to shut those people out from employment altogether?—No. If the case was as plain as that then there would be something specifically affecting the man or woman and that could be made the subject of an application. (Page 888.)

Statement of Professor L. T. Hobhouse, D.Litt., LL. D. Chairman of ten Trade Boards. January 12, 1922.

9375. *Lord Cave:* Have you considered at all the question of exemptions?—

9376. . . . .—Yes. I think they are really dealt with rather satisfactorily, if I may say so, considering all things. The question of principle involved really is whether there should be an exemption for slow workers. About that I may say quite frankly that the objection to it, of course, was the fear that the whole rate would be undermined; that you cannot define a slow worker in quantitative terms, and therefore you get back on the rate like that. I have had a lot of experience in this, and I do not believe you would. I think the Administrative Committees would be perfectly competent to do that if you gave them perfect freedom. They take a lot of trouble. The two sides agree; they really have substantially the same interests. They think they have not. They begin by opposing one another, but that disappears at the end of the first discussion, and they discover that they all want the rate to be maintained unless there is good reason to the contrary. (Page 686.)

Statement of Mr. H. Crabb, President of the National Federation of Boot Trades Association (200 branches, 8,000 employees) and employers' representative on the Boot and Shoe Repairing Trade Board. January 18, 1922.

At the present time, there is a large amount of unemployment in the boot trade, as in other industries, but there is no evidence whatever to prove that the Trade Board has been the cause of such unemployment.

Permits of Exemption.

The consideration of applications for permits of exemption from the operation of the minimum rates for infirm or disabled workers has occupied a great deal of the time and attention of the Administrative Committee of the Trade Board, to whom the Trade Board delegated its powers of dealing with these applications. We have been very generous in the use of our powers to grant permits of exemption. Each case is carefully investigated by a member of the Committee. The usual practice

is for a member to visit the workshop and see the worker at work and assess his value to his employer accordingly.

Over 630 permits at rates lower than those given by the Trade Board have been issued to sub-ordinary workers. This is a larger number than that issued by any other Trade Board, with the exception of the Laundry Trade Board, but the proportion of permits to the number of workers in the trade is higher in the boot repairing trade than that of the laundry trade. (Pages 697-698.)

JUVENILES.

Statement of Mr. Humbert Wolfe, C.B.E., Principal Assistant Secretary Ministry of Labour in charge of the Trade Boards Branch. October 12, 1921.

318. . . . . In regard to juveniles, of course, the Trade Boards have a difficult problem. In the first place, they must take care not to fix rates so low as to prejudice the employment of adults, and conversely, they must not prejudice the employment of the younger workers, and the recruitment of the trade, by fixing rates too high. I mean on the one hand you would upset the adults and on the other hand you might get no further entrants into the trade. (Page 20.)

621. . . . . The Boards have, as I pointed out in some cases developed a very elaborate apprenticeship system; they have dealt with learnership in other cases on very sound lines and they have, to some extent, helped to mitigate the evils of the blind-alley employment which were so notorious and so much canvassed in the public Press.

622. *Lord Cave:* They have not, except in the case which you mentioned this morning, prevented the employment of younger labour?—No, they have tried to strike a balance so as to fix a rate not high enough to scare employers from employing juveniles and not so low as to interfere with the employment of adults. (Page 39.)

Statement of Mr. W. Addington Willis, Chairman of the Boot and Shoe Repairing, and the Toy Trade Boards, and Deputy-Chairman of the Brush and Broom, the Hair, Bass and Fibre, and the Grocery and Provisions Trade Boards, and arbitrator or conciliator in over 260 industrial disputes. February 1, 1922.

The control of the employment of juveniles is one of the most useful opportunities afforded to Trade Boards by the Act of 1918. In the boot and shoe repairing trade, and no doubt in others, the exploitation of child labour, often at excessively low wages, has had a damaging effect on adult employment and remuneration, and on the supply of craftsmen. It has had a worse effect on the juveniles themselves, for they are found at 18 or 21 years of age turned out of employment without any knowledge of the trade which is marketable.

There are three ways in which Trade Boards can and do deal with juvenile employment:

(*a*) by fixing juvenile rates;

(*b*) by establishing learnership schemes;

(*c*) by establishing apprenticeship schemes. (Page 798.)

Henry Clay. The Times. London, September 26, 1921.

Sir,—The allegation is repeatedly made that high rates fixed by Trade Boards are a principal cause of the present unemployment. The actual figures of unemployment revealed by the operation of the Unemployment Insurance Acts suggest the opposite. The average rate of unemployment at the end of August for the whole of the 12,000,000 employed persons covered by the Acts was 13.15 per cent. The percentages in the largest occupational groups covered by Trade Boards were as follows: Distributive trades, 6.02; dressmaking, etc., 9.89; tailoring, 10.21; laundry, 5.78; all well below the average.

In only two trade board industries is the rate exceptionally high—linen and jute—and a good deal more evidence than has been forthcoming is needed to establish a casual connexion there.

Yours faithfully,
(Signed) HENRY CLAY
(Professor of Economics, University of Manchester).

Great Britain. Women's Wages and the Trade Boards. ELLEN C. WILKINSON. *The Woman's Leader. January 5, 1923. London.*

The net result of the Cave Report and of all the administrative changes proposed by the Minister of Labour is that in spite of the terrific opposition, Trade Boards have become a permanent feature of British law, and they will be extended to new trades, however slowly. What has been their effect on industry after fourteen years' experience of the oldest Boards, and four years of the new Acts? It is usual to say that Trade Boards have caused unemployment, especially in the dressmaking and millinery trades. This statement is not borne out by statistics. The average rate of unemployment at the end of August, 1921, for the whole of the twelve million employed persons in insured trades was roughly 13 per cent. The percentage of unemployed in the groups covered by those Trade Boards about which the accusation is most frequently made was: Distributive Trades, 6 per cent.; Dressmaking, 9.8 per cent.; Tailoring, 10 per cent.; and Laundry, 5.7 per cent., so that although the Trade Boards came into operation at a most difficult time, when unemployment was growing, their unemployment percentages are comfortably below the average of unemployment in the country. (Pages 388-389.)

Canada.

Province of British Columbia. Department of Labour. Annual Report for the Year Ending December 31, 1919.

The constantly reiterated assertion that a greater number of girls under eighteen years of age were being employed since the introduction of the minimum wage appears also to be disproved by a comparison of the returns, which indicate practically no change. (Page 85.)

The statement is constantly made that under minimum wage legislation only the competent can hope to earn a livelihood, and that the incompetent will be deprived of opportunity to obtain even the little they now receive. Convincing reply to this has been made by Bertha Bradley Warbasse in "The Survey." She remarks: "But obviously the places made vacant must and will be filled by workers competent to earn the minimum wage who were out of employment. That is, one class will be thrown out of work and two will benefit—the competent unemployed and the competent who are employed, but not receiving a living wage. * * * The unemployed in America are unemployed men. Is it not because a man demands a living wage? Because he personally tries to exact a minimum wage from an employer who finds it cheaper to get several girls at a less total cost and a larger total output?" (Page 86.)

The Board, finding that statements are continually made that since the introduction of the minimum wage women over eighteen years of age are being discharged in order to be replaced by younger girls, for whom a lower wage has been set, caused a survey to be made in one industry of which this allegation had been very definitely and persistently put forth. The actual figures revealed not only that the statement was unfounded, but that in reality there had been a very perceptible decline in the number of girls under eighteen years of age engaged in that particular class of work. (Page 87.)

PART SECOND

MINIMUM WAGE LAWS.

I. In America.

Since 1916 minimum wage legislation has been enacted in the District of Columbia, North Dakota and Texas. In Arizona and Porto Rico a flat rate of minimum wages has been established by statute. The Colorado act has been replaced by one applying to all women employees and providing for the creation of wage boards. The Arkansas statute has been extended to apply to all women employees with certain few exceptions. The California and Massachusetts laws have been amplified in detail. The Texas law was repealed in 1921 as defective and unworkable.

In Kansas, Massachusetts, Minnesota, Utah and Washington the power to administer the law has been vested in the general labor department of the state.

Nebraska, in 1920, joined California and Ohio in validating minimum wage legislation by specific constitutional authorization.

(1) The Minimum Wage Laws.

District of Columbia.

Enacted in 1918. (*65th Congress, Second Session, No. 215.*)

AN ACT to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

SECTION 1.—That where used in this Act—the term "Board" means the Minimum Wage Board created by section two;

The term "Commissioners" means the Commissioners of the District of Columbia;

The term "woman" includes only a woman of eighteen years of age or over;

The term "minor" means a person of either sex under the age of eighteen years;

The term "occupation" includes a business, industry, trade, or branch thereof, but shall not include domestic service.

SEC. 2.—That there is hereby created a Board to be known as the "Minimum Wage Board," to be composed of three members to be appointed by the Commissioners of the District of Columbia. As far as practicable, the members shall be so chosen that one will be representative of employees, one representative of employers, and one representing the public.

The Commissioners shall make their first appointments hereunder within thirty days after this Act takes effect and shall designate one of the three members first

appointed to hold office until January first, nineteen hundred and nineteen; one to hold office until January first, nineteen hundred and twenty; and one to hold office until January first, nineteen hundred and twenty-one. On or before the first day of January of each year, beginning with the year nineteen hundred and nineteen, the Commissioners shall appoint a member to succeed the member whose term expires on such first day of January, and such new appointee shall hold office for the term of three years from such first day of January. Each member shall hold office until his successor is appointed and has qualified; and any vacancy that may occur in the membership of the Board shall be filled by appointment by the Commissioners for the unexpired portion of the term.

A majority of the members shall constitute a quorum to transact business, and the act or decision of such a majority shall be deemed the act or decision of the Board; and no vacancy shall impair the right of the remaining members to exercise all the powers of the Board.

SEC. 3.—That the first members appointed shall within twenty days after their appointment, meet and organize the Board by electing one of their number as chairman and by choosing a secretary, who shall not be a member of the Board; and on or before the tenth day of January of each year thereafter the Board shall elect a chairman and choose a secretary for the ensuing year. The chairman and secretary shall each hold office until his successor is elected or chosen; but the Board may at any time remove the secretary. The secretary shall perform such duties as may be prescribed and receive such salary, not in excess of $2,500 per annum, as may be fixed by the Board. None of the members shall receive any salary as such. The Board shall have power to employ agents and such other assistants as may be necessary for the proper performance of its duties: *Provided,* That until further authorization by Congress, the sum which it may expend, including the salary of the secretary, shall not exceed the sum of $5,000.

SEC. 4.—That at any public hearing held by the Board any person interested in the matter being investigated may appear and testify. Any member of the Board shall have power to administer oaths and the Board may require by subpœna the attendance and testimony of witnesses, the production of all books, registers and other evidence relative to any matters under investigation, at any such public hearing or at any session of any conference held as hereinafter provided. In case of disobedience to a subpœna the Board may invoke the aid of the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or refusal to obey a subpœna the court may issue an order requiring appearance before the Board, the production of documentary evidence, and the giving of evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

SEC. 5.—That the Board is hereby authorized and empowered to make rules and regulations for the carrying into effect of this Act, including rules and regulations for the selection of members of the conferences hereinafter provided for and the mode of procedure thereof.

SEC. 6.—That the Board shall, on or before the first day of January of the year nineteen hundred and nineteen, and of each year thereafter, make a report to the Commissioners of its work and the proceedings under this Act.

SEC. 7.—That there is hereby authorized to be appropriated, out of the revenues of the District of Columbia, for the fiscal year ending June thirtieth, nineteen hundred and nineteen, the sum of $5,000, or so much thereof as may be necessary, to carry into effect the provisions of this Act.

SEC. 8.—That the Board shall have full power and authority: (1), To investigate and ascertain the wages

of women and minors in the different occupations in which they are employed in the District of Columbia; (2), to examine, through any member or authorized representative, any book, pay roll or other record of any employer of women or minors that in any way appertains to or has a bearing upon the question of wages of any such women or minors; and (3), to require from such employer full and true statements of the wages paid to all women and minors in his employment.

Every employer shall keep a register of the names of the women and minors employed by him in any occupation in the District of Columbia, of the hours worked by each, and of all payments made to each, whether paid by the time or by the piece; and shall, on request, permit any member or authorized representative of the Board to examine such register.

To assist the Board in carrying out this Act the Commissioners shall at all times give it any information or statistics in their possession under the Act of Congress approved February twenty-fourth, nineteen hundred and fourteen, entitled "An Act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia." (Public, numbered sixty, Sixty-third Congress.)

SEC. 9.—That the Board is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: (a), Standards of minimum wages for women in any occupation within the District of Columbia, and what wages are inadequate to supply the necessary cost of living to any such women workers to maintain them in good health and to protect their morals; and (b), standards of minimum wages for minors in any occupation within the District of Columbia, and what wages are unreasonably low for any such minor workers.

SEC. 10.—That if, after investigation, the Board is of the opinion that any substantial number of women workers in any occupation are receiving wages inadequate to supply them with the necessary cost of living and maintain

them in health and protect their morals, it may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by the Board and submitted by it to such conference. The conference shall be composed of not more than three representatives of the employers in such occupation, of an equal number of representatives of the employees in such occupation, of not more than three disinterested persons representing the public, and of one or more members of the Board. The Board shall name and appoint all the members of the conference and designate the chairman thereof. Two-thirds of the members of the conference shall constitute a quorum, and the decision or recommendation or report of the conference on any subject submitted shall require a vote of not less than a majority of all its members.

The Board shall present to the conference all the information and evidence in its possession or control, relating to the subject of the inquiry by the conference, and shall cause to be brought before the conference any witnesses whose testimony the Board deems material.

SEC. 11.—That after completing its consideration of and inquiry into the subject submitted to it by the Board, the conference shall make and transmit to the Board a report containing its findings and recommendations on such subject, including recommendations as to standards of minimum wages for women workers in the occupation under inquiry and as to what wages are inadequate to supply the necessary cost of living to women workers in such occupation and to maintain them in health and to protect their morals.

In its recommendations on a question of wages the conference (1) shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate, recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will, in its judgment, be adequate to supply the necessary cost of living to women workers in such

occupation of average ordinary ability and to maintain them in health and protect their morals; and (2) shall, when it appears proper or necessary, recommend suitable minimum wages for learners and apprentices in such occupation and the maximum length of time any woman worker may be kept at such wages as a learner or apprentice, which wages shall be less than the regular minimum wages recommended for the regular women workers in such occupation.

SEC. 12.—That, upon receipt of any report from any conference, the Board shall consider and review the recommendations, and may approve or disapprove any or all of such recommendations, and may resubmit to the same conference, or a new conference, any subject covered by any recommendations so disapproved.

If the Board approves any recommendations contained in any report from any conference, it shall publish a notice, once a week, for four successive weeks in a newspaper of general circulation printed in the District of Columbia, that it will, on a date and at a place named in the notice, hold a public hearing at which all persons in favor of or opposed to such recommendations will be heard.

After such hearing the Board may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry them into effect, requiring all employers in the occupation affected thereby to observe and comply with such order. Such order shall become effective sixty days after it is made. After such order becomes effective, and while it is effective, it shall be unlawful for any employer to violate or disregard any of its terms or provisions, or to employ any woman worker in any occupation covered by such order at lower wages than are authorized or permitted therein.

The Board shall, as far as is practicable, mail a copy of such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room

in his establishment in which women workers are employed.

SEC. 13.—That for any occupation in which only a minimum time-rate wage has been established, the Board may issue to a woman whose earning capacity has been impaired by age or otherwise, a special license authorizing her employment at such wage less than such minimum time-rate wage as shall be fixed by the Board and stated in the license.

SEC. 14.—That the Board may at any time inquire into wages of minors employed in any occupation in the District of Columbia, and determine suitable wages for them. When the Board has made such determination it may make such an order as may be proper or necessary to carry such determination into effect. Such order shall become effective sixty days after it is made; and after such order becomes effective and while it is effective it shall be unlawful for any employer in such occupation to employ a minor at less wages than are specified or required in or by such order.

SEC. 15.—That any conference may make a separate inquiry into and report on any branch of any occupation, and the Board may make a separate order affecting any branch of any occupation.

SEC. 16.—That the Board shall from time to time investigate and ascertain whether or not employers in the District of Columbia are observing and complying with its orders, and shall report to the corporation counsel of the District of Columbia all violations of this Act.

SEC. 17.—That all questions of fact arising under the foregoing provisions of this Act shall, except as otherwise herein provided, be determined by the Board, and there shall be no appeal from the decision of the Board on any such question of fact; but there shall be a right of appeal from the Board to the Supreme Court of the District of Columbia from any ruling or holding on a question of law included or embodied in any decision or order of the Board; and, on the same question of law, from such court to the Court of Appeals of the District of Columbia.

In all such appeals the corporation counsel shall appear for and represent the Board.

SEC. 18.—That whoever violates this Act, whether an employer or his agent, or the director, officer, or agent of any corporation, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than $25 nor more than $100, or by imprisonment not less than ten days nor more than three months, or by both such fine and imprisonment.

SEC. 19.—That any employer and his agent, or the director, officer, or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has served or is about to serve on any conference, or has testified or is about to testify, or because such employer believes that said employee may serve on any conference or may testify in any investigation or proceedings under or relative to this Act, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than $25 nor more than $100.

SEC. 20.—That any act which, if done or omitted to be done by any agent or officer or director acting for such employer, would constitute a violation of this Act, shall also be held to be a violation by the employer and subject such employer to the liability provided for by this Act.

SEC. 21.—That prosecutions for violations of this Act shall be on information filed in the police court of the District of Columbia by the corporation counsel.

SEC. 22.—That if any woman worker is paid by her employer less than the minimum wage to which she is entitled under or by virtue of an order of the Board, she may recover in a civil action the full amount of such minimum wage, less any amount actually paid to her by the employer, together with such reasonable attorney's fees as may be allowed by the court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.

SEC. 23.—That this Act shall be known as the "District of Columbia minimum-wage law." The purposes of the Act are to protect the women and minors of the District from conditions detrimental to their health and morals, resulting from wages which are inadequate to maintain decent standards of living; and the Act in each of its provisions and in its entirety shall be interpreted to effectuate these purposes.

[Approved, September 19, 1918.]

Arizona.

Enacted in 1917. (*Chapter 38.*)

AN ACT to provide for a minimum wage for women and fixing penalty for violation thereof.

Be it enacted by the Legislature of the State of Arizona:

SECTION 1.—No person, persons, firm or corporation, transacting business within the State of Arizona, shall employ any female in any store, office, shop, restaurant, dining room, hotel, rooming house, laundry or manufacturing establishment, at a weekly wage of less than Ten Dollars per week; a lesser amount being hereby declared inadequate to supply the necessary cost of living to any such female to maintain her health, and to provide her with the common necessaries of life.

SEC. 2.—Any person, persons, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars, nor more than Three Hundred Dollars, or by imprisonment in the county jail for not less than ten days, nor more than sixty days, or by both such fine and imprisonment, for each separate offense.

SEC. 3.—All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

[Approved March 8, 1917.]

Arkansas.

Enacted in 1915. (Chapter 191.) Amended in 1919, (Chapter 275), and in 1921 (Chapter 140).

ACT to regulate the hours of labor, safeguard the health and establish a minimum wage for females in the State of Arkansas.

Be it enacted by the General Assembly of the State of Arkansas:

Be it enacted by the People of the State of Arkansas:

SECTION 1.—That no females shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, or by an express or transportation company, in this State, for more than nine hours in any one day, or more than six days, or more than fifty-four hours in any one week; provided, however, that the present law governing the employment of children under sixteen years of age shall not be repealed by this act.

SEC. 2.—That no female under eighteen years of age shall be employed or permitted to work in, or in connection with, any of the establishments or occupations named in section 1 of this Act before the hour of 7 o'clock in the morning, or after the hour of 9 o'clock in the evening of any one day.

SEC. 3.—That no female shall be employed or permitted to work for more than six hours continuously at one time in any establishment or occupation named in section 1 of this Act, in which three or more females are employed, without any interval of at least three-quarters of an hour, except that such female may be so employed for not more than six and one-half hours continuously at one time if such employment ends not later than half past 1 o'clock in the afternoon, and if she is then dismissed for the remainder of the day. The time allowed for noon luncheon shall not be less than three-quarters of an hour.

SEC. 4.—That every employer shall post and keep posted in a conspicuous place in every room in any establishment or occupation named in section 1 of this Act in which females are employed, a printed notice stating the number of hours such females are required or permitted to work on each day of the week, the hours of beginning and ending, the recess allowed for meals. The printed form of such notice shall be furnished upon application, by the Commissioner of Labor and Statistics. The employment of any such female for longer time in any one day than that stated in a printed notice shall be deemed a violation of the provisions of this section. Where the nature of the business makes it impracticable to fix the recess allowed for meals at the same time for all females employed, the Commissioner of Labor and Statistics may issue a permit dispensing with the posting of the hours when the recess for meals begins and ends, and requiring the posting of only the total number of hours that females are required or permitted to work on each day of the week, and the hours of beginning and stopping such work. Such permit shall be kept by such employer upon such premises and exhibited to all inspectors authorized to enforce this Act.

SEC. 5.—That every employer shall keep a time book or record of every female employed in any establishment or occupation named in section 1 of this Act stating the wages paid, the number of hours worked by her on each day of the week, the hours of beginning and ending such work and the hours of beginning and ending the recess allowed for meals. Such time book or record shall be open at all reasonable hours to the inspection of the officials authorized to enforce this Act. Any employer who fails to keep such record as required by this section, or makes any false statements therein, or refuses to exhibit such time book or record, or makes a false statement to any official authorized to enforce this Act in reply to any question put in carrying out the provisions of this Act shall be liable for violation thereof.

SEC. 6.—The Commisioner of Labor and Statistics, or any person duly authorized by him, may, in the discharge of their duties, enter any establishment or occupation where females are employed mentioned in section 1 of this Act as often as practicable during reasonable hours and shall cause the provisions of this Act to be enforced therein, and shall have full police power in enforcing compliance therewith.

SEC. 7.—That it shall be unlawful for any employer of labor mentioned in section 1 of this Act to pay any female worker in any establishment or occupation less than the wage specified in this section, to wit, except as herein provided: All female workers who have had six months' practicable experience in any line of industry or labor shall be paid not less than $1.25 per day. The minimum wage for inexperienced female workers who have not had six months' experience in any line of industry or labor shall be paid not less than $1.00 per day, provided, that any inexperienced female worker or apprentices shall be given a certificate by their employers showing the amount of experience they have had and all time served as inexperienced workers, or apprentices shall be cumulative. All female workers working less than nine hours per day shall receive the same wages per hour as those working nine hours per day.

SEC. 8.—[*As amended, Acts* 1921, *Ch.* 140.]—That whenever it can be shown beyond question of doubt that it would work irreparable injury to any industry engaged in handling products, such as canning factories and candy factories to comply with the provisions of the Act, regarding hours, a commission to be known as the "Industrial Welfare Commission," hereinafter provided for, consisting of the Commissioner of Labor and Statistics as ex-officio chairman and two men and two women, may by majority vote, after hearing duly held in which all interested parties may have an opportunity to be heard, permit such industry to operate more than nine hours per day, provided, that women so employed are paid at the

rate of time and one-half for each hour worked in excess of nine hours in any one day; provided, further that said period in which overtime may be worked shall not exceed 90 days in any one year.

Provided, further that said Industrial Welfare Commission shall consist of one woman and one man representative of employers, and one woman and one man representative of employees. One woman and one man member of the commission shall be appointed by the Governor and one woman and one man member of the commission shall be appointed by the Commissioner of Labor and Statistics. All members to serve without salary and shall hold office for terms of two years each or until their successors are appointed and qualify.

SEC. 9.—[*As amended, Acts* 1921, *Ch.* 140.]—All females employed in any industry in this State, who are paid upon a piece-work basis, bonus system, or any other manner than by the day, shall be paid not less than the rate per day herein specified for female employees who are working on the day rate system, and the Industrial Welfare Commission shall investigate, upon complaint, any line of industry wherein females are employed and if in their judgment said system of piece-work is working an injury to the general health of the employees, they may, after hearing, duly held, issue an order compelling said firm to abolish piece-work or any other injurious system, and establish a daily rate of wages for all female employees, said rate not to be less than rate specified in section 7 of this Act.

SEC. 10.—Provided, however, that if said commission should find, after an investigation that a lower minimum rate of wages is adequate to supply a woman, or minor female worker engaged in any occupation, trade or industry, the necessary cost of proper living, and to maintain the health and welfare of such woman, or minor female worker, may, after a public hearing, duly held, at which time all interested employers and employees are given a reasonable opportunity to present their argu-

ments, issue an order establishing a minimum wage rate that in their judgment is reasonable, and said rate so established shall be the legal minimum wage in the industry or occupation affected, and should such said commission find after said investigation that the minimum wage specified in section 7 in this Act is insufficient to adequately supply a woman or minor female worker engaged in any occupation, trade or industry, the necessary cost of proper living and to maintain the health and welfare of such woman or female worker, may, after public hearing duly held, at which time all interested parties are given a reasonable opportunity to present their argument, issue an order establishing a higher minimum wage for female workers that, in the judgment of the commission, is reasonable, and said minimum wage rate so established by said commission shall be the legal minimum wage in the industry or occupation affected.

SEC. 11.—[*As amended, Acts* 1919, *Ch.* 275.]—Said Commission, after a public hearing duly held, at which all interested persons are given an opportunity to present arguments, may establish regulations governing the employment of females in hotels and restaurants; provided, said rules and regulations shall not permit female workers to be employed in excess of nine hours in any one day, nor at a lower rate of wages than will supply said female employees the cost of proper living, and safeguard their health and welfare. The rate of wages established by the Commission shall not be greater than the rate of wages specified in Section 7.

SEC. 12.—That any female person, or persons, company or corporation, who violates the provisions of this Act, or does not comply with the provisions of this Act, shall, upon conviction in any court of competent jurisdiction, be punished by a fine of not less than $25 nor more than $100 and each day of noncompliance shall constitute a separate offense.

SEC. 13.—[*As amended, Acts* 1919, *Ch.* 275.]—Should any section or sections of this Act be held invalid by the

courts, it shall not thereby be understood as affecting, and shall not affect, the other provisions of this Act; provided this Act shall not apply to cotton factories, or to the gathering of fruits or farm products in Arkansas.

SEC. 14.—All laws and parts of laws in conflict with this law are hereby repealed, and this law being necessary for the immediate public peace, health and safety, an emergency is hereby declared to exist, and this Act shall take effect and be in force from and after its passage.

[Approved March 20, 1915.]

California.

Enacted in 1913. (Chapter 324.) Amended in 1915 (Chapter 571), in 1919 (Chapter 204), and in 1921 (Chapter 279).

AN ACT regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act.

The People of the State of California do enact as follows:

SECTION 1.—There is hereby established a commission to be known as the industrial welfare commission, hereinafter called the commission. Said commission shall be composed of five persons, at least one of whom shall be a woman, and all of which shall be appointed by the governor as follows: two for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years; *provided, however,* that at the expiration of their respective terms their successors shall be appointed to serve a full term of four years. Any vacancies shall be similarly filled for the unexpired portion of the term in which the vacancy shall occur. Three members of the commission shall constitute a quorum. A vacancy on the commission shall not impair the right of the remaining members to perform all the duties and exercise all the powers and authority of the commission.

SEC. 2.—The members of said commission shall draw no salaries, but all of said members shall be allowed ten dollars per diem while engaged in the performance of their official duties. The commission may employ a secretary, and such expert, clerical and other assistants as may be necessary to carry out the purposes of this act, and shall fix the compensation of such employees, and

may, also, carry out such purposes, incur reasonable and necessary office and other expenses, including the necessary traveling expenses of the members of the commission, of its secretary, of its experts, and of its clerks and other assistants and employees. All employees of the commission shall hold office at the pleasure of the commission.

SEC. 3.—(*a*) It shall be the duty of the commission to ascertain the wages paid, the hours and conditions of labor and employment in the various occupations, trades, and industries in which women and minors are employed in the State of California, and to make investigations into the comfort, health, safety and welfare of such women and minors.

(b) It shall be the duty of every person, firm or corporation employing labor in this state:

1. To furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of this act, such reports and information to be verified by the oath of the person, or a member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission or any member thereof.

2. To allow any member of the commission, or its secretary, or any of its duly authorized experts or employees, free access to the place of business or employment of such person, firm, or corporation, for the purpose of making any investigation authorized by this act, or to make inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents, or papers, of such person, firm or corporation relating to the employment of labor and payment therefor by such person, firm or corporation.

3. To keep a register of the names, ages, and residence addresses of all women and minors employed.

(*c*) For the purposes of this act, a minor is defined to be a person of either sex under the age of eighteen years.

SEC. 3½.—[*Amendment, Acts* 1919, *Ch.* 204.]—Any member of the commission or deputies duly authorized by it in writing, shall have the power and authority to issue subpœnas to compel the attendance of witnesses or parties and the production of books, papers, pay rolls or records, and to administer oaths and to examine witnesses under oaths and to take the verification or proof of instruments of writing, and to take depositions and affidavits for the purpose of carrying out the provisions of this act, or any of its orders, rules or regulations; *provided,* that no witness shall be compelled to attend on said commission outside of the county in which said witness resides or at a distance greater than fifty miles from his place of residence.

Obedience to subpœnas issued by the commission or its duly authorized representatives shall be enforced in the superior courts of the county or city and county in which the subpœnas were issued.

SEC. 4.—The commission may specify times to hold public hearings, at which times, employers, employees, or other interested persons, may appear and give testimony as to the matter under consideration. The commission or any member thereof shall have power to subpœna witnesses and to admister oaths. All witnesses subpœnaed by the commission shall be paid the fees and mileage fixed by law in civil cases. In case of failure on the part of any person to comply with any order of the commission or any member thereof, or any subpœna, or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before any wage board or the commission, it shall be the duty of the superior court or the judge thereof, on the application of a member of the commission, to compel obedience in the same manner, by contempt proceedings or otherwise, that such obedience would be compelled in a pro-

ceeding pending before said court. The commission shall have power to make and enforce reasonable and proper rules of practice and procedure and shall not be bound by the technical rules of evidence.

SEC. 5.—[*As amended, Acts* 1921, *Ch.* 279.]—If, after investigation, the commission is of the opinion that, in any occupation, trade, or industry, the wages paid to women and minors are inadequate to supply the cost of proper living, or the hours or conditions of labor are prejudicial to the health, morals or welfare of the workers, the commission shall call a conference, hereinafter called "wage board," composed of an equal number of representatives of employers and employees in the occupation, trade, or industry in question, and a representative of the commission to be designated by it, who shall act as the chairman of the wage board. The members of such wage board shall be allowed five dollars per diem and necessary traveling expenses while engaged in such conferences. The commission shall make rules and regulations governing the number and selection of the members and the mode of procedure of such wage board, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of such wage board. The proceedings and deliberations of such wage board shall be made a matter of record for the use of the commission, and shall be admissible as evidence in any proceedings before the commission. On request of the commission, it shall be the duty of such wage board to report to the commission its findings, including therein:

1. An estimate of the minimum wage adequate to supply to women and minors engaged in the occupation, trade or industry in question, the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The number of hours of work per day in the occupation, trade or industry in question, consistent with the health and welfare of such women and minors.

3. The standard conditions of labor in the occupation, trade or industry in question, demanded by the health and welfare of such women and minors.

SEC. 6.—[*As amended, Acts* 1921, *Ch.* 279.] (*a*) The commission shall have further power after a public hearing had upon its own motion or upon petition, to fix:

1. A minimum wage to be paid to women and minors engaged in any occupation, trade or industry in this state, which shall not be less than a wage adequate to supply to such women and minors the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The maximum hours of work consistent with the health and welfare of women and minors engaged in any occupation, trade or industry in this state; *provided*, that the hours so fixed shall not be more than the maximum now or hereafter fixed by law.

3. The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade or industry in this state.

(*b*) Upon the fixing of the time and place for the holding of a hearing for the purpose of considering and acting upon any matters referred to it in subsection (*a*) hereof, the commission shall give public notice by advertisement in at least one newspaper published in each of the cities of Los Angeles, Oakland, Sacramento, San Jose, Fresno, and in the city and county of San Francisco, and shall give due notice in at least one newspaper published in each of the cities of Fresno, San Jose, Eureka, San Diego, Long Beach, Alameda, Berkeley, and Stockton, and by mailing a copy of said notice to the county clerk of each county in the state to be posted at the court house of each county, or city and county, and also to each association of employers or employees and to any employer within the State of California filing with the commission a written request for such notice of such hearing and the purpose thereof; which notice shall state the time and place fixed for such hearing, which shall not be earlier

than fourteen days from the date of publication and mailing of such notices.

(*c*) After such public hearing, the commission may, in its discretion, make a mandatory order to be effective in sixty days from the publication of such order, specifying the minimum wage for women or minors in the occupation in question, the maximum hours; *provided*, that the hours specified shall not be more than the maximum for women or minors in California and the standard conditions of labor for said women or minors. Such order shall be published in at least one newspaper in each of the cities of Los Angeles, Sacramento, Oakland, San Jose, Fresno, and in the city and county of San Francisco, and a copy thereof be mailed to the county clerk of each county in the state, and such copies shall be filed without charge. The commission shall send by mail, so far as practicable, to each employer in the occupation in question, a copy of the order, and each employer shall be required to post a copy of such order in the building in which women or minors affected by the order are employed; and it shall be the duty of the commission to send a copy of such order to each employer registering his name with the commission and requesting such order to be mailed, but failure to mail such order or notice thereof to any employer affected thereby shall not relieve such employer from the duty to comply with such order, and finding by the commission that there has been the publication and mailing to county clerks as herein provided shall be conclusive as to service.

SEC. 7.—Whenever wages, or hours, or conditions of labor have been so made mandatory in any occupation, trade, or industry, the commission may at any time in its discretion, upon its own motion or upon petition of either employers or employees, after a public hearing held upon the notice prescribed for an original hearing, rescind, alter or amend any prior order. Any order rescinding a prior order shall have the same effect as herein provided for in an original order.

SEC. 8.—[*As amended, Acts* 1915, *Ch.* 571.]—(*a*) For any occupation in which a minimum wage has been established, the commission may issue to a woman physically defective by age or otherwise, a special license authorizing the employment of such licensee, for a period of six months, for a wage less than such legal minimum wage; and the commission shall fix a special minimum wage for such person. Any such license may be renewed for like periods of six months.

(*b*) For any occupation in which a minimum wage has been established, the commission may issue to an apprentice or learner, a special license authorizing the employment of such apprentice or learner, for such time and under such conditions as the commission may determine at a wage less than such legal minimum wage; and the commission shall fix a special wage for such apprentice or learner.

(*c*) The commission may fix the maximum number of women, and minors under eighteen years of age, to be employed under the licenses provided for in subdivisions (*a*) and (*b*) of this section in any occupation, trade, industry or establishment in which a minimum wage has been established.

SEC. 9.—Upon the request of the commission, the labor commissioner shall cause such statistics and other data and information to be gathered, and investigations made, as the commission may require. The cost thereof shall be paid out of the appropriations made for the expenses of the commission.

SEC. 10.—Any employer who discharges, or threatens to discharge, or in any other manner discriminates against any employee because such employee has testified or is about to testify, or because such employer believes that said employee may testify in any investigation or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor.

SEC. 11*a*.—[A*s amended, Acts* 1915, *Ch.* 571.]—The minimum wage for women and minors fixed by said commission as in this act provided, shall be the minimum wage to be paid to such employees, and the payment to such employees of a less wage than the minimum so fixed shall be unlawful, and every employer or other person who, either individually or as an officer, agent, or employee of a corporation or other person, pays or causes to be paid to any such employee a wage less than such minimum, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and every employer or other person who, either individually or as an officer, agent or employee of a corporation, or other persons, violates or refuses or neglects to comply with the provisions of this act, or any orders or rulings of this commission, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than fifty dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment.

SEC. 11*b*.—[*Amendment, Acts* 1919, *Ch.* 204.]—It shall be the duty of the industrial welfare commission to enforce the provisions of this act and compliance with its orders, rules and regulations. Full power and authority is hereby vested in the commission to take such action as may be deemed essential for such purposes.

SEC. 12. (a)—[*As amended, Acts* 1921, *Ch.* 279.]—In every prosecution for violation of any provision of this act, the minimum wage, the maximum hours of work and the standard conditions of labor fixed by the commission as herein provided, shall be prima facie presumed to be rasonable and lawful, and to be the living wage, the maximum hours of work and standard conditions of labor required herein.

(*b*) The findings of fact made by the commission acting within its powers shall, in the absence of fraud, be conclusive; *provided,* that any person aggrieved directly

or indirectly by any final rule or regulation of the commission made or entered under any provision contained in this act may apply to the commission for a rehearing in respect to any matters determined or covered therein or thereby and specified in the application for rehearing within twenty days after the publication thereof as herein provided. Such application for rehearing shall be verified and shall state fully the grounds upon which the application for rehearing is based. The commission upon considering any such application or applications for rehearing, may either grant the same by order and notice thereof given by mail to the party or parties applying for such rehearing, fix a time for such rehearing and reconsider its order, rule, or regulation, or it may redetermine the matter upon the record before it, and give such notice of its redetermination in the same manner as is herein provided for service of an original order, rule or regulation; or the commission may deny such rehearing upon the record before it, giving notice of such decision by mail to the applicant or applicants therefor. Such rehearing shall be deemed to be denied unless acted upon by the commission within thirty days after being filed. No rehearing shall be granted except on the grounds that the final order, rule or regulation was obtained as follows, that is to say—

That the commission acted without or in excess of its powers.

That the order, rule or regulation was procured by fraud.

The final determination made by the commission shall be subject to review only after application for rehearing as herein provided and the final disposition thereof by the commission, and then only in the manner and on the ground following:

Within twenty (20) days from the date of the service of any final order, rule or regulation, any party aggrieved thereby may commence in the superior court in and for the city and county of San Francisco or of Los Angeles or of Sacramento, or of Santa Clara, or of Ala-

meda, or of Fresno, an action against the commission for review of its determination. In such action a complaint, which shall state the grounds upon which a review is sought, shall be served with the summons. Service upon the secretary of the commission, or any member of the commission, shall be deemed a complete service. The commission shall serve its answer within twenty (20) days after the service of the complaint and with its answer shall make a return to the court of all documents and papers on file in the matter, and of all testimony and evidence which may have been taken before it or by it, and of its findings and decision. The action may thereupon be brought on for hearing before the court upon such record by either party on ten (10) days' notice to the other. Upon such hearing, the court may confirm or set aside the decision of the commission; but the same shall be set aside only upon the following grounds, that is to say—

1. That the commission acted without or in excess of its powers.

2. That the determination was procured by fraud.

Upon the setting aside of any decision of the commission the court may recommit the controversy and remand the record in the case to the commission for further proceedings. The commission, or any party aggrieved, by a decree entered upon the review herein provided for, may appeal therefrom within the time and in the manner provided for an appeal from the final orders of the said superior courts.

(*c*) The filing of an application for a rehearing shall have the effect of suspending the order, rule or regulation affected only with respect to the party or parties applying therefor, and for a period not to exceed ten (10) days unless otherwise ordered by the commission, which shall have the power to grant a further stay upon such terms and conditions as it may direct.

SEC. 13.—Any employe receiving less than the legal minimum wage applicable to such employe shall be en-

titled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, notwithstanding any agreement to work for such lesser wage.

SEC. 14.—Any person may register with the commission a complaint that the wages paid to an employe for whom a living rate has been established, are less than that rate, and the commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living wage.

SEC. 15.—The commission shall biennially make a report to the governor and the state legislature of its investigations and proceedings.

SEC. 16.—There is hereby appropriated annually out of the moneys of the state treasury, not otherwise appropriated, the sum of fifteen thousand dollars, to be used by the commission in carrying out the provisions of this act, and the controller is hereby directed from time to time to draw his warrants on the general fund in favor of the commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

SEC. 17.—The commission shall not act as a board of arbitration during a strike or lock-out.

SEC. 18.—(*a*) Whenever this act, or any part or section thereof, is interpreted by a court, it shall be liberally construed by such court.

(*b*) If any section, subsection, or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases is declared unconstitutional.

SEC. 19.—The provisions of this act shall apply to and include women and minors employed in any occupation, trade or industry, and whose compensation for labor is measured by time, piece or otherwise.

[Approved May 26, 1913.]

Acts of 1921. (*Chapter* 604.)

Department of Labor and Industrial Relations.

[This act adds Article IIe, embracing sections 364 to 364d, to the Political Code, as follows:]

SEC. 364.—A department of the government of the State of California to be known as the department of labor and industrial relations is hereby created. The department shall consist of the following governmental agencies of the State of California, to wit: The industrial accident commission, the commission of immigration and housing, the industrial welfare commission, and the bureau of labor statistics. Said department shall be divided into four divisions as follows:

(1) The division of workmen's compensation insurance and safety, which shall be administered by the industrial accident commission and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and jurisdiction now or hereafter conferred by law upon the industrial accident commission.

(2) The division of immigration and housing, which division shall be administered by the commission of immigration and housing and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and jurisdiction now or hereafter conferred by law upon the commission of immigration and housing.

(3) The division of industrial welfare, which division shall be administered by the industrial welfare commission and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and juris-

diction now or hereafter conferred by law upon the industrial welfare commission.

(4) The division of labor, which division shall be administered by the commission of labor statistics and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities and jurisdiction now or hereafter conferred by law upon the commissioner of labor statistics and the bureau of labor statistics.

SEC. 364—(*a*) On or before the first day of October, 1921, and on or before the first day of January of each and every year thereafter, and at such other times in case of a vacancy, each of divisions one, two, and three shall designate one of its members as it representative on the department of labor and industrial relations; and the chief of the division of labor shall be the representative of the division of labor. Such representatives shall meet at a place to be designated by them at least once each month or oftener at the call of any two members. At their first meeting which shall be held during the month of October, 1921, they shall organize by electing one member as chairman and one as secretary. It shall be the duty of the secretary to keep a minute record of the proceedings of each meeting.

At each meeting of the department there shall be presented for determination all problems involving conflict of authority or activity of two or more divisions and the department shall hear, consider, and act upon any complaints or complaints of duplication of activities.

SEC. 364.—(*b*) The said department of labor and industrial relations shall make and promulgate rules and regulations that will eliminate overlapping and duplication of the activities of the several divisions and may provide for the transfer of functions and activities from one division to another in the interest of the betterment of the service of such division or divisions.

SEC. 364.—(*c*) From and after the date upon which this act takes effect, the funds now made, or which here-

after may be made available for the support of the industrial accident commission shall be transferred to the division of workmen's compensation insurance and safety; the funds now made, or which may hereafter be made available for the support of the commission of immigration and housing shall be transferred to the division of immigration and housing; the funds now made, or which may hereafter be made, available for the support of the industrial welfare commission shall be transferred to the division of industrial welfare; the funds now made, or which may hereafter be made available for the support of the commissioner of labor statistics and the bureau of labor statistics shall be transferred to the division of labor; *provided, however,* that the department of industrial relations may by majority vote and with the approval of the state board of control, transfer moneys from one division to another in such amounts as the department may determine to be necessary, to pay the cost and expenses of performing or carrying out any duty or activity so transferred.

SEC. 364.—(*d*) The department of labor and industrial relations shall submit a report to the governor and to the forty-fifth session of the legislature embodying a complete plan of reorganization and departmentalization of the activities herein mentioned.

[Approved May 31, 1921.]

Colorado.

First enacted in 1913. (Chapter 110.) Superseded in 1917. (Chapter 98.)

AN ACT for the determination of minimum wages and proper conditions of labor for women and minors.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1.—The welfare of the State of Colorado demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals, and it is therefore hereby declared, in the exercise of the police and sovereign power of the State of Colorado, that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

SEC. 2.—The Industrial Commission of Colorado is hereby made and constituted a Minimum Wage Commission for this State, and the word "Commission" as hereinafter used refers to and means said Industrial Commission of Colorado, and the word "Commissioner" as hereinafter used refers to and means a member of said Commission. The act and decision of a majority of said Commission or any deputy when duly authorized by the Commission, shall be deemed the act or decision of said Commission, and no vacancy shall impair the right of the remaining Commissioners to exercise all the powers of said Commission.

SEC. 3.—The Commission may appoint a Secretary, who shall devote his entire time to the duties of the office, and shall receive a salary of $1,800.00 per annum, payable monthly. The Commission may employ and fix the compensation of such deputies, expert, clerical and other assistants as may be necessary to carry out the purpose of this act, and may include among its expenses the traveling expenses of the members of the Commission and its employes. All employes shall hold office at the pleasure of the Commission. The Commission may

incur other expenses not exceeding the annual appropriations therefor, and shall be provided with a suitable office in the State Capitol.

SEC. 4.—It shall be unlawful to employ women in any occupation within the State of Colorado for wages which are inadequate to supply the necessary cost of living, and to maintain in health the women so employed; and it shall be unlawful to employ minors in any occupation within the State of Colorado for unreasonably low wages; and it shall be unlawful to employ women or minors in any occupation within this State under conditions of labor detrimental to their health or morals.

SEC. 5.—It shall be the duty of the Commission to inquire into the wages paid to women employes above the age of eighteen (18) years, and minor employes under eighteen (18) years of age; also into the condition of labor surrounding said employes, in any occupation in this State, if the Commission has reason to believe that said conditions of labor are detrimental to the health or morals of said employes, or that the wages paid to a substantial number of employes are inadequate to supply the necessary cost of living and to maintain such employes in health. The word "minor," as used in this act, refers to and means any person of either sex under the age of eighteen (18) years; and the word "woman" as used in this act refers to and means a female person of or over the age of eighteen (18) years. At the request of not less than twenty-five (25) persons engaged in any occupation in which women or minors are employed, the Commission shall forthwith make such investigation as is herein provided. The Commission may, at any time, make such investigation upon its own initiative.

SEC. 6.—The Commission is hereby authorized and empowered to ascertain and determine, and shall ascertain and determine, the minimum wages sufficient for living wages for women and minors of ordinary ability, including minimum wages sufficient for living wages, whether paid according to time rate or piece rate; also

the minimum wages sufficient for living wages for learners and apprentices; also standards of conditions of labor and hours of employment not detrimental to health or morals for women and for minors, and what are unreasonably long hours for women and minors, and what are unreasonably low wages for minors, in any occupation in this State.

SEC. 7.—The Commission shall, for the purposes of this act, have full power and authority to investigate and ascertain the conditions of labor surrounding said women and minors, also the wages of women and minors in the different occupations in which they are employed, whether paid by time rate or piece rate, in the State of Colorado. The word "occupation" as used in this act shall be so construed as to include any and every vocation, trade, pursuit and industry. The Commission shall have full power and authority as a Commission, or through any authorized representative or any Commissioner, to inspect and examine and make excerpts from any and all books, reports, contracts, pay rolls, documents, papers and other records of any employer of women or minors, that in any way appertain to or have bearing upon the question of wages of any such women workers or minor workers in any of said occupations, and to require from any such employer full and true statements of the wages paid to all women and minors by any employer. Every employer of women and minors shall keep a register of the names, ages, dates of employment and residence addresses of all women and minors employed, and it shall be the duty of every such employer, whether a person, firm, or corporation, to furnish to the Commission, at its request, any and all reports or information which the Commission may require to carry out the purposes of this act, such reports and information to be verified by the oath of the person or a member of the firm, or the president, secretary or manager of the corporation furnishing the same, if and when so requested by the Commission or any member thereof; also to allow the Commission, any authorized representa-

tive, or any Commissioner, free access to the place of business of such employer for the purpose of making any investigation authorized by this act.

SEC. 8.—The Commission may hold public hearings at such times and places as it deems proper for the purpose of investigating any of the matters it is authorized to investigate by this act, at which hearings employers, employes or other interested persons may appear and give testimony as to the matter under consideration. The Commission, or any member thereof, shall have power to subpoena and compel the attendance of any witnesses and to administer oaths; also, by subpoena, to compel the production of any books, papers or other evidence at any public hearing of the Commission or at any session of any wage board called and held, as hereinafter provided. All witnesses subpoenaed by said Commission shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the District Court of the State of Colorado.

If any person shall fail to attend as a witness, or to bring with him any books, papers or other evidence when subpoenaed by the Commission, or shall refuse to testify when ordered so to do, the Commission may apply to any District Court or County Court in this State to compel obedience on the part of such person, and such District Court or County Court shall thereupon compel obedience by proceedings for contempt, as in cases of disobedience of any order of said Court in a proceeding pending before said Court. The Commission shall have power to make and enforce reasonable and proper rules and procedure and shall not be bound by the technical rules of evidence. Said Commission may hold meetings for the transaction of any of its business at such times and places as it may prescribe.

SEC. 9.—If, after investigation, the Commission is of the opinion that the conditions of employment surrounding said employes are detrimental to the health or morals, or that a substantial number of women workers

in any occupation are receiving wages, whether by time rate or piece rate, inadequate to supply the necessary costs of living and to maintain such workers in health, the Commission shall proceed to establish minimum wage rates, either directly or by the indirect method hereinafter described. If it selects the direct method, the Commission shall establish the minimum wage rates. If it adopts the indirect method, the Commission shall establish a wage board, consisting of not more than three (3) representatives of employers in the occupation in question, and of an equal number of persons to represent the female employes in said occupation, and of an equal number of disinterested persons to represent the public, and some one representing the Commission, if it so desires. The Commission shall name and appoint all members of such wage board and designate the chairman thereof; provided, however, that the selection of members representing employers and employes shall be, so far as practicable, through election by employers and employes respectfully, subject to approval and selection by the Commission, as aforesaid. At least one representative of the employers, at least one representative of the employes, and at least one representative of the public shall be a woman. The members of the wage board shall be compensated at the same rate and fees for service as jurors in counties of the second class, and they shall be allowed their necessary traveling and clerical expenses incurred in the actual performance of their duties, these payments to be made from the appropriations for the expenses of the Commission. The proceedings and deliberations of such wage board shall be made a matter of record, for the use of the Commission, and shall be admissible as evidence in any proceedings before the Commission. Each wage board shall have the same power as the Commission to subpoena witnesses, administer oaths and compel the production of books, papers and other evidence. Witnesses subpoenaed by a wage board shall be allowed the same compensation as when subpoenaed by the Commission.

SEC. 10.—The Commission may transmit to each wage board all pertinent information in its possession relative to the wages paid or material to the subject of inquiry in the occupation in question. Each wage board shall endeavor to determine, if requested so to do by the Commission, the standard conditions of employment; also the minimum wage, whether by time rate or piece rate, adequate to maintain in health and to supply with the necessary cost of living, a female employe of ordinary ability in the occupation in question, or in any branches thereof; also suitable minimum wages (graded, so far as practicable, on a rising scale toward the minimum allowed experienced workers) for learners and apprentices; also suitable minimum wages for minors below the age of eighteen (18) years. When a majority of the members of a wage board shall agree upon standard conditions of employment or minimum wage board determinations, they shall report such determinations to the Commission, together with the reasons therefor and the facts relating thereto. A majority of the members of any such wage board shall constitute a quorum.

SEC. 11.—Upon receipt of a report from a wage board, the Commission shall review the same and may approve or disapprove any or all the determinations, or may re-commit the subject to the same or a new wage board. If the Commission approves any or all of the determinations of the wage board, said Commission shall publish notice not less than once a week for two (2) successive weeks in a newspaper of general circulation published in the county or counties in which any business directly affected thereby is located, that it will, on a date and a place named in said notice, hold a public meeting, at which all persons in favor of or opposed to said recommendations will be given a hearing; and after said publication of said notice and said meeting, said Commission may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect and require

all employes in the occupation directly affected thereby to preserve and comply with such recommendations and said order. Said order shall become effective in thirty (30) days after it is made and rendered and shall be in full force and effect on and after the thirtieth (30th) day following its making and rendition. After said order becomes effective, and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order, or to employ any woman worker in any occupation covered by said order at lower wages or under other conditions than are authorized or permitted by said order.

Said Commission shall, as far as practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said Commission shall authorize or permit the employment of any woman or minor for more hours per day or per week than the maximum now fixed by law; provided, however, that in case of emergencies which may arise in the conduct of any industry or occupation, overtime may be permitted under conditions and rules, and for increased minimum wages, which the Commission, after investigation, shall determine and prescribe by order, and which shall apply equally to all employers in such industry or occupation.

SEC. 12.—Whenever a minimum wage rate, or a new standard of conditions of employment established in any occupation, has been established in any occupation, the Commission may, if it deems proper or necessary so to do, upon petition of either employers or employes, reconvene the wage board or establish a new wage board, and any recommendation made by such board shall be dealt with in the same manner as the original recommendation of a wage board; provided, however, that, pending any new determination, any minimum wage rate and any new standard of conditions of employment there-

tofore established shall be and continue in force and effect.

SEC. 13.—For any occupation in which a time rate only has been established, the Commission may issue to any woman physically defective or crippled by age or otherwise, or less efficient than woman workers of ordinary ability, a special license authorizing the employment of the licensee at such wage less than said legal minimum wage as shall be provided by said Commission and stated in said license; provided, that the number of such persons so specially licensed shall not exceed one-tenth of the whole number of workers in any establishment.

SEC. 14.—The Commission may at any time inquire into the wages paid to minors and the conditions of their employment in any occupation, and may, after public hearings, determine minimum wages and working conditions suitable for such minors. When the Commission has made such a determination, it may proceed in the same manner as if the determination had been recommended to the Commission by a wage board.

SEC. 15.—Any employer who discharges or threatens to discharge, or in any other way discriminates against an employe because such employe serves upon a wage board, or is active in its formation, or has testified or is about to testify, or because the employer believes that said employe may testify in any investigation or proceeding relative to enforcement of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred ($200.00) dollars, nor more than one thousand ($1,000.00) dollars for each such misdemeanor. The Commission shall, from time to time, investigate and report to the proper prosecuting official whether employers in each occupation investigated are obeying its decrees, and members and employes of the Commission may cause informations to be filed with, and prosecu-

tions to be instituted by, the proper prosecuting officials for any violation of any of the provisions of this act.

SEC. 16.—The minimum wages for women and minors fixed by the Commission, as in this act provided, shall be the minimum wages to be paid to such employes, and the payment to such employes of a less wage than the minimum so fixed shall be unlawful, and every employer or other person who, individually or as an officer, agent, or employe of a corporation, or other person, pays or causes to be paid to any such employe a wage less than such minimum, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred ($100.) dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment.

SEC. 17.—In every prosecution for the violation of any provision of this act, the minimum wage established by the Commission, as herein provided, shall be prima facie presumed to be reasonable and lawful and to be the wage required herein to be paid to women and minors. The findings of fact made by the Commission acting within its powers shall, in the absence of fraud, be conclusive, and the determination made by the Commission shall be subject to review only in the manner hereinbefore prescribed.

SEC. 18.—An employe receiving less than the legal minimum wage applicable to such employe shall be entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, notwithstanding any agreement to work for such lesser wage.

SEC. 19.—Any person may register with the Commission complaint that the wages paid to an employe for whom a rate has been established are less than that rate, and the Commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than accords with such rate.

SEC. 20.—The Commission shall, on or before the first day of January of the year 1919, and biennially thereafter, make a succinct report to the Governor and the General Assembly of its works and any proceedings under this act during the preceding two years.

SEC. 21.—There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of three thousand ($3,000.00) dollars to carry into effect the provisions of this act and to pay the expenses and expenditures authorized by or incurred under this act for the years 1917 and 1918. The expenditures authorized shall be payable at the end of each month, upon certificate made by the Commission to the Auditor of State, who shall draw his warrant upon the State Treasurer; and the Auditor of State is hereby authorized and directed to draw said warrants, as aforesaid, upon receipt of certified vouchers of the chairman of said Commission, attested by the Secretary.

SEC. 22.—Whenever this act or any part thereof is interpreted by any court, it shall be liberally construed by such court.

SEC. 23.—If any part, section, sub-section, sentence, clause or phrase of this act is for any reason declared unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The General Assembly hereby declares that it would have passed this act, and each part, section, sub-section, sentence, clause and phrase, irrespective of the fact that any one or more other parts, sections, sub-sections, clauses, phrases, word or words, be declared unconstitutional.

SEC. 24.—Chapter 110 of the Session Laws of 1913, entitled "Minimum wage for women and minors," and all acts and parts in conflict with any of the provisions of this act are hereby repealed.

SEC. 25.—It is hereby declared that this act is necessary for the immediate preservation of the public peace, health and safety.

SEC. 26.—In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force immediately after its passage.

[Approved April 20, 1917.]

Kansas.

Enacted in 1915. (Chapter 275.) Amended in 1921. (Chapter 263.)

AN ACT to establish an industrial welfare commission for women, learners and apprentices, and minors, prescribing its powers and duties and providing for the fixing of wages, hours and the standard conditions of labor for such workers; providing penalties for violations of the same.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1.—That the State of Kansas exercising herewith its police and sovereign powers declares that inadequate wages, long continued hours and unsanitary conditions of labor, exercise a pernicious effect on the health and welfare of women, learners and apprentices, and minors.

SEC. 2.—That it shall be unlawful to employ women, learners, and apprentices and minors in any industry or occupation within the State of Kansas under conditions of labor detrimental to their health or welfare and it shall be unlawful to employ women, learners, and apprentices and minors in any industry within the State of Kansas at wages which are not adequate for their maintenance and for more hours in any one day than is consonant with their health and welfare, except as hereinafter provided.

Sections 3-14.—Repealed. [*Laws* 1921, *Ch.* 263.]

SEC. 15.—That a violation of any provision of this act shall constitute a misdemeanor, and any one convicted thereof shall be punished by a fine of not less than twenty-five ($25.00) dollars, nor more than one hundred ($100.00) dollars for each such misdemeanor.

SEC. 16.—Repealed. [*Laws* 1921. *Ch.* 263.]

SEC. 17.—That any employer who employs any woman, or minor, learner or apprentice in any occupation at less than the minimum wage or for a greater number of hours in a day or week fixed or under sanitary or other conditions forbidden by order or license issued by the commission, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars for each such misdemeanor. Any woman or minor or learner or apprentice who shall receive less than the minimum wage or shall be compelled to work for a greater number of hours than that fixed by order or license issued by the commission, shall be entitled to recover in a civil action the full amount of the legal minimum wage, and compensation at the same rate for the number of hours of over-time work as herein provided for, together with costs and attorneys fees to be fixed by the court, notwithstanding any agreement to work for such lesser wage or greater number of hours. In such action, however, the employer shall be credited with any wages which have been paid upon account.

SEC. 18.—Repealed. [*Laws* 1921, *Ch.* 263.]

SEC. 19.—That the commissioner of labor and the several inspectors of the bureau of labor shall, at any and all times, give to the commission any information or statistics in their respective offices that may assist said commission in carrying out this act and render such assistance to said commission as may not be inconsistent with the performance of their respective official duties.

SEC. 20.—That the commission shall biennially make a report to the governor and legislature of its investigations and proceedings, and such reports shall be printed and distributed as in the case of other executive documents.

SEC. 21.—That this act is to be construed as supplemental to existing laws regulating the employment of women, learners and apprentices and minors.

SEC. 22.—That this act shall take effect and be in force from and after its publication in the statute book.

[Approved March 6, 1915.]

Laws of 1921. (Chapter 263.)

AN ACT relating to the powers and duties of the Court of Industrial Relations, abolishing the Industrial Welfare Commission, amending sections 3, 6 and 8, chapter 275, Session Laws 1915, and repealing all acts and parts of acts in conflict therewith.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1.—The jurisdiction conferred by law upon the Industrial Welfare Commission of the state of Kansas is hereby conferred upon the Court of Industrial Relations, and said Industrial Welfare Commission and all boards organized thereunder are hereby abolished: *Provided,* That all orders and rules heretofore made by the Industrial Welfare Commission and now in force shall continue in force until the same may be changed or repealed by the Court of Industrial Relations.

SEC. 2.—All laws relating to the powers, authority, jurisdiction and duties of the Industrial Welfare Commission of this state are hereby adopted except as amended and repealed in this act; and all the duties imposed upon the Industrial Welfare Commission or any board thereof shall from and after the taking effect of this act, devolve upon the Court of Industrial Relations.

SEC. 3.—That section 3 of chapter 275, Session Laws of 1915, be amended as follows: SEC. 3.—That the Court of Industrial Relations may establish such standard of wages, hours, and conditions of labor for women, learners and apprentices, and minors employed within this state as shall be held hereunder to be reasonable and not detrimental to health and welfare: *Provided,*

however, the court may establish different minimum hours and standards for each class in an occupation of different localities in the state, when, in the judgment of the court the different conditions obtaining justify such action.

SEC. 4.—That section 6 of chapter 275, Session Laws of 1915, be amended as follows: SEC. 6.—That every employer of women or of learners and apprentices, or of minors shall keep a register of all such persons employed by him; and every such employer shall on request permit the court or any of its members, or agents to inspect such register.

SEC. 5.—That section 8 of chapter 275, Session Laws of 1915, be amended as follows: SEC. 8.—That if after investigation the Court of Industrial Relations is of the opinion that in any occupation the wages, hours and conditions, sanitary and otherwise, are prejudicial to the health or welfare of any substantial number of the class of employes named in this act and are inadequate to supply the necessary cost of living and to maintain the worker in health it shall publish a notice, not less than once a week for four successive weeks in the official state paper, that it will on a date and at a place named in said notice, hold a public meeting at which all persons will be given a hearing; and, after said publication of said notice and said meeting, the Court of Industrial Relations may, in its discretion, make and render such an order as may be proper or necessary, and require all employers in the occupation affected thereby to observe and comply with such determinations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the 60th day following its making and rendition. The Court of Industrial Relations shall, in so far as it is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in

a conspicuous place in each room of his establishment. That whenever wages, hours, or conditions of labor have been made mandatory in any occupation, upon petition of either employers or employes, the Court of Industrial Relations may at its discretion reopen the question.

SEC. 6.—The Court of Industrial Relations may employ such inspectors and clerical force as may be necessary in carrying on the provisions of this act.

SEC. 7.—The orders of the Industrial Court under the provisions of this act may be reviewed in the same manner as is now provided for the review of its decisions by chapter 29 of the Session Laws of 1920.

SEC. 8.—Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 18, chapter 275, Session Laws of 1915, being sections 10497, 10498, 10499, 10500, 10501, 10502, 10503, 10504, 10505, 10506, 10507, 10508, 10510, 10512, 10513 and 10514, General Statutes of 1915, and all acts and parts of acts in conflict herewith are hereby repealed.

SEC. 9.—This act shall take effect and be in force from and after its passage and publication in the official state paper.

[Approved March 8, 1921.]

Massachusetts.

First Enacted in 1912. (Chapter 706) Amended in 1913. (Chapters 330 and 673), in 1914 (Chapter 368), in 1916 (Chapter 303), in 1919 (Chapters 72, 76 and 77), in 1920 (Chapters 48, 350 and 387). Revised in General Laws, 1920. (Chapter 151.)

The Minimum Wage.

[*As revised, General Laws,* 1920.]

SECTION 1.—The board of conciliation and arbitration of the department of labor and industries in performing the duties required by this chapter shall be known as the minimum wage commission, in this chapter called the commission. It shall investigate the wages paid to female employes in any occupation, if it has reason to believe that the wages paid to a substantial number of such employes are inadequate to supply the necessary cost of living and to maintain the worker in health.

SEC. 2.—If after such investigation the commission is of the opinion that in the occupation in question the wages paid to a substantial number of female employes are inadequate to supply the necessary cost of living and to maintain the worker in health, it shall establish a wage board consisting of an equal number of representatives of employers in the occupation in question, and of persons to represent the female employes in said occupation, and of one or more disinterested persons appointed by it to represent the public; but the representatives of the public shall not exceed one-half of the number of representatives of either of the other parties. The commission shall give notice to employers and employes in said occupation by publication or otherwise of its determination to establish a wage board and of the number of representatives of employers and of employes to be chosen therefor, and shall request that said

employers and employes, respectively, nominate such representatives by furnishing names to it.

The representatives of employers and employes shall be selected by the commission from names furnished by the employers and by the employes, respectively; provided, that the same are furnished within ten days after such request; and provided, further, that at least twice as many names respectively are furnished as are required. If less than this number of names are furnished for representatives, either of employers or of employes, at least one-half the names so furnished shall be selected and the remaining places necessary may be filled by the commission by appointments made directly from employers, including officers of corporations, associations, and partnerships, or from employes in the occupation, as the case may be. The commission shall designate as chairman one of the representatives of the public, and shall make rules and regulations governing the selection of members and the modes of procedure of the wage boards, and shall exercise exclusive jurisdiction over all questions rising with reference to the validity of the procedure and of the determinations of the wage boards. The members of wage boards shall be compensated at the same rate as jurors, and they shall be allowed the necessary traveling and clerical expenses incurred in the performance of their duties, these payments to be made from the appropriation for the expenses of the commission. The commission may fill vacancies arising in a duly constituted wage board by appointing a sufficient number of suitable persons to complete the representation of the employers, employes or public, as the case may be.

SEC. 3.—The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid in the occupation in question. Each wage board shall take into consideration the needs of the employes, the financial condition of the occupation and the probable effect thereon of any increase in the minimum wages paid, and shall endeavor to determine

the minimum wage, whether by time rate or piece rate, suitable for a female employe of ordinary ability in the occupation in question, or for any or all of the branches thereof, and also suitable minimum wages for learners and apprentices and for minors under eighteen. When a majority of the members of a wage board shall agree upon minimum wage determination, they shall report such determination to the commission, together with the reasons therefor and the facts relating thereto.

SEC. 4.—Upon receipt of a report from a wage board, the commission shall review the same, and may approve or disapprove any or all of the determinations recommended, or may recommit the subject to the same wage board or to a new one. If the commission approves any or all of the determinations of the wage board it shall, after not less than fourteen days' notice to employers paying a wage less than the minimum wage approved, give a public hearing to such employers, and if, after such public hearing, the commission finally approves the determination, it shall enter a decree of its findings and note thereon the names of employers, so far as they may be known to it, who fail or refuse to accept such minimum wage and agree to abide by it. The commission shall thereafter publish at such times and in such manner as it may deem advisable a summary of its findings and of its recommendations. It shall also at such times and in such manner as it shall deem advisable publish the facts, as it may find them to be, as to the acceptance of its recommendations by the employers engaged in the industry to which any of its recommendations relate, and may publish the names of employers whom it finds to be following or refusing to follow such recommendations. An employer who files a declaration under oath in the supreme judicial or superior court to the effect that compliance with the recommendation of the commission would render it impossible for him to conduct his business at a reasonable profit shall be entitled to a review of said recommendation by the court under the rules of equity procedure.

The burden of proving the averments of said declaration shall be upon the complainant. If, after such review, the court finds the averments of the declaration to be sustained, it may issue an order restraining the commission from publishing the name of the complainant as one who refuses to comply with its recommendations. But such review, or any order issued by the court thereupon, shall not be an adjudication affecting the commission as to any employer other than the complainant, and shall in no way affect its right to publish the names of those employers who comply with its recommendations. The type in which the employers' names shall be printed shall not be smaller than that in which the news matter of the newspaper is printed. The publication shall be attested by the signatures of at least a majority of the commission.

SEC. 5.—Whenever a minimum wage rate has been established in any occupation, the commission may, upon petition of either employers or employees, or if in its opinion such action is necessary to meet changes in the cost of living may without such petition, reconvene the wage board or establish a new one, and any recommendation made by such wage board shall be dealt with in the same manner as the original recommendation of a wage board.

SEC. 6.—For any occupation in which a minimum time rate only has been established, the commission may issue to any woman physically defective a special license authorizing the employment of the licensee for a wage less than the legal minimum wage; *provided*, that it is not less than the special minimum wage fixed for that person.

SEC. 7.—The commission may at any time inquire into the wages paid to minors in any occupation in which the majority of employes are minors, and may, after giving public hearings, determine minimum wages suitable therefor. When the commission has made such a determination, it may proceed in the same manner as

if the determination had been recommended to it by a wage board.

SEC. 8.—Every employer of women and minors shall keep a register of the names, addresses and occupations of all women and minors employed by him, together with a record of the amount paid each week to each woman and minor, and if the commission shall so require, shall also keep for a specified period, not exceeding six months, a record of the hours worked by such employes, and shall, on request of the commission or of the department of labor and industries, permit the commission or any of its members or agents, or of the department or any duly accredited agent thereof, to inspect the said register and to examine such parts of the books and records of employers as relate to the wages paid to women and minors, and the hours worked by such employes. Any employer failing to keep a register or records as herein provided, or refusing to permit their inspection or examination, shall be punished by a fine of not less than five nor more than fifty dollars. The commission may also subpoena witnesses, administer oaths and take testimony, and require the production of books and documents. Such witnesses shall be summoned in the same manner and be paid by the commonwealth the same fees as witnesses before the superior court.

SEC. 9.—Upon request of the commission, the department of labor and industries shall cause to be gathered such statistics and other data as the commission may require, and the cost thereof shall be paid out of the appropriation made for the expenses of the commission in reference to the minimum wage.

SEC. 10.—No employer shall discharge or in any other manner discriminate against any employe because such employe has testified, or is about to testify, or has served or is about to serve upon a wage board, or is or has been active in the formation thereof, or has given or is about to give information concerning the condi-

tions of such employe's employment, or because the employer believes that the employe may testify, or may serve upon a wage board, or may give information concerning the conditions of the employe's employment, in any investigation or proceeding relative to the enforcement of this chapter. Whoever violates this section shall be punished by a fine of not less than two hundred nor more than one thousand dollars.

SEC. 11.—The commission shall from time to time determine whether employers in each occupation investigated are obeying its decrees, and shall publish in the manner provided in section four, the name of any employer whom it finds to be violating any such decree.

SEC. 12.—Any newspaper refusing or neglecting to publish the findings, decrees or notices of the commission at its regular rates for the space taken shall be punished by a fine of not less than one hundred dollars.

SEC. 13.—No member of the commission and no newspaper publisher, proprietor, editor or employe thereof, shall be liable to an action for damages for publishing the name of any employer as provided for in this chapter, unless such publication contains some wilful misrepresentation.

SEC. 14.—The commission may require employers in any occupation to post notices of its hearings or of nominations for wage boards, or of decrees that apply to their employes, in such reasonable way and for such length of time as it may direct. Whoever refuses or fails to post such notices or decrees, when so required, shall be punished by a fine of not less than five nor more than fifty dollars. The department of labor and industries shall enforce this section.

SEC. 15.—The commissioner of labor and industries shall make an annual report of the acts of the commission in performing the duties required by this chapter.

[Approved June 4, 1912.]

General Laws, 1919. (Chapter 350.)

AN ACT to organize in departments the executive and administrative functions of the Commonwealth.

Department of Labor and Industries.

SECTION 69.—The board of labor and industries, existing under authority of chapter seven hundred and twenty-six of the acts of nineteen hundred and twelve and acts in amendment thereof and in addition thereto; . . . . the minimum wage commission, existing under authority of chapter seven hundred and six of the acts of nineteen hundred and twelve, and acts in amendment thereof and in addition thereto; . . . . are hereby abolished. All the rights, powers, duties and obligations of the said boards, commission and officers, or of any member or official thereof, ... are hereby transferred to and shall hereafter be exercised and performed by the department of labor and industries, established by this act, which shall be the lawful successor of said boards, commissions, and offices and of said bureau of statistics, and the director thereof, with respect to the said rights, powers, duties and obligations.

SEC. 70.—The department of labor and industries shall be under the supervision and control of a commissioner, to be known as the commissioner of labor and industries, an assistant commissioner, who may be a woman, and three associate commissioners, one of whom shall be a representative of labor and one of whom shall be a representative of employers of labor, all of whom shall be appointed by the governor, with the advice and consent of the council. The first appointment of the commissioner and assistant commissioner shall be for the term of three years, and of the associate commissioners for the terms of one, two and three years, respectively. Thereafter as the terms expire the governor shall in like manner appoint the said commissioners for terms of three years, shall fill any vacancy for the unexpired term, and may, with the consent of the council, remove any commissioner. The commissioner

shall receive such annual salary not exceeding seven thousand five hundred dollars, and the assistant commissioner and associate commissioners such annual salary, not exceeding four thousand dollars each, as the governor and council may determine.

SEC. 71.—The commissioner shall be the executive and administrative head of the department. He shall have charge of the administration and enforcement of all laws, rules and regulations which it is the duty of the department to administer and enforce, and shall direct all inspections and investigations except as is otherwise provided herein. He may organize the department in such divisions as he may from time to time determine, and may assign the officers and employes of the department thereto. He shall prepare for the consideration of the associate commissioners, rules and regulations, in accordance with existing law, to carry out the provisions of this act relative to the department. All rules and regulations so prepared shall take effect, subject to the provisions of chapter three hundred and seven of the General Acts of nineteen hundred and seventeen where applicable, when approvd by the associate commissioners, or upon such date as they may determine. The commissioner may designate an associate commissioner to discharge the duties of the commissioner during his absence or disability.

SEC. 72.—The associate commissioners shall constitute a board to be known as the board of conciliation and arbitration, which shall have the authority and exercise the functions heretofore vested in the board of conciliation and arbitration and in the minimum wage commission, except as to matters of an administrative nature, and in pursuance of the said authority shall, if they deem it necessary, investigate immediately the circumstances of any industrial dispute which arises, shall establish wage boards and review their reports, and may issue special licenses under the provisions of section nine of chapter seven hundred and six of the acts of nineteen hundred and twelve. In all investigations

and proceedings conducted by said associate commissioners they shall have authority to summon witnesses, to administer oaths, to take testimony and to require the production of books and documents. . . . They shall be assigned such assistants from the officers and employees of the department as the commissioner and they shall from time to time determine. The fees of witnesses before the associate commissioners for attendance and travel shall be the same as those of witnesses before the superior court, and shall be certified and paid in accordance with the provisions of section fifteen of chapter five hundred and fourteen of the acts of nineteen hundred and nine, and acts in amendment thereof and in addition thereto.

SEC. 73.—In all matters relating specifically to women and minors the assistant commissioner shall have and exercise such duties and authority as may be prescribed by the commissioners with the approval of the associate commissioners.

[Approved July 23, 1919.]

Minnesota.

Enacted in 1913. (*Chapter 547.*)

AN ACT to establish a minimum wage commission, and to provide for the determination and establishment of minimum wages for women and minors.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1.—Repealed. [*Laws* 1921, *Ch.* 84.]

SEC. 2.—The commission may at its discretion investigate the wages paid to women and minors in any occupation in the state. At the request of not less than one hundred persons engaged in any occupation in which women and minors are employed, the commission shall forthwith make such investigation as herein provided.

SEC. 3.—Every employer of women and minors shall keep a register of the names and addresses of and wages paid to all women and minors employed by him, together with number of hours that they are employed per day or per week; and every such employer shall on request permit the commission or any of its members or agents to inspect such register.

SEC. 4.—The commission shall specify times to hold public hearings at which employers, employees, or other interested persons may appear and give testimony as to wages, profits and other pertinent conditions of the occupation or industry. The commission or any member thereof shall have power to subpoena witnesses, to administer oaths, and to compel the production of books, papers, and other evidence. Witnesses subpoenaed by the commission may be allowed such compensation for travel and attendance as the commissioner may deem reasonable, to an amount not exceeding the usual mileage and per diem allowed by our courts in civil cases.

SEC. 5.—If after investigation of any occupation the commission is of opinion that the wages paid to one-

sixth or more of the women or minors employed therein are less than living wages, the commission shall forthwith proceed to establish legal minimum rates of wages for said occupation, as hereinafter described and provided.

SEC. 6.—The commission shall determine the minimum wages sufficient for living wages for women and minors of ordinary ability, and also the minimum wages sufficient for living wages for learners and apprentices. The commission shall then issue an order, to be effective thirty days thereafter, making the wages thus determined the minimum wages in said occupation throughout the state, or within any area of the state if differences in the cost of living warrant this restriction. A copy of said order shall be mailed, so far as practicable, to each employer affected; and each such employer shall be required to post such a reasonable number of copies as the commission may determine in each building or other work place in which affected workers are employed. The original order shall be filed with the commissioner of labor.

SEC. 7.—The commission may at its discretion establish in any occupation an advisory board which shall serve without pay, consisting of not less than three nor more than ten persons representing employers, and an equal number of persons representing the workers in said occupation, and of one or more disinterested persons appointed by the commission to represent the public; but the number of representatives of the public shall not exceed the number of representatives of either of the other parties. At least one-fifth of the membership of any advisory board shall be composed of women, and at least one of the representatives of the public shall be a woman. The commission shall make rules and regulations governing the selection of members and the modes of procedure of the advisory boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and deter-

mination of said boards. Provided, that the selection of members representing employers and employees shall be, so far as practicable, through election by employers and employees respectively.

SEC. 8.—Each advisory board shall have the same power as the commission to subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Witnesses subpoenaed by an advisory board shall be allowed the same compensation as when subpoenaed by the commission. Each advisory board shall recommend to the commission an estimate of the minimum wages, whether by time rate or by piece rate, sufficient for living wages for women and minors of ordinary ability, and an estimate of the minimum wages sufficient for living wages for learners and apprentices. A majority of the entire membership of an advisory board shall be necessary and sufficient to recommend wage estimates to the commission.

SEC. 9.—Upon receipt of such estimates of wages from an advisory board, the commission shall review the same, and if it approves them shall make them the minimum wages in said occupation, as provided in section 6. Such wages shall be regarded as determined by the commission itself and the order of the commission putting them into effect shall have the same force and authority as though the wages were determined without the assistance of an advisory board.

SEC. 10.—All rates of wages ordered by the commission shall remain in force until new rates are determined and established by the commission. At the request of approximately one-fourth of the employers or employees in an occupation, the commission must reconsider the rates already established therein and may, if it sees fit, order new rates of minimum wages for said occupation. The commission may likewise reconsider old rates and order new minimum rates on its own initiative.

SEC. 11.—For any occupation in which a minimum time rate of wages only has been ordered the commis-

sion may issue to a woman physically defective a special license authorizing her employment at a wage less than the general minimum ordered in said occupation; and the commission may fix a special wage for such person. Provided, that the number of such persons shall not exceed one-tenth of the whole number of workers in any establishment.

SEC. 12.—Every employ r in any occupation is hereby prohibited from employing any worker at less than the living wage or minimum wage as defined in this act and determined in an order of the commission; and it shall be unlawful for any employer to employ any worker at less than said living or minimum wage.

SEC. 13.—It shall likewise be unlawful for any employer to discharge or in any manner discriminate against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee is about to testify, in any investigation or proceeding relative to the enforcement of this act.

SEC. 14.—Any worker who receives less than the minimum wage ordered by the commission shall be entitled to recover in civil action the full amount due as measured by said order of the commission, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for a lesser wage.

SEC. 15.—The commission shall enforce the provisions of this act and determine all questions arising thereunder, except as otherwise herein provided.

SEC. 16.—The commission shall biennially make a report of its work to the governor and the state legislature, and such reports shall be printed and distributed as in the case of other executive documents.

SEC. 17.—The members of the commission shall be reimbursed for traveling and other necessary expenses incurred in the performance of their duties on the com-

mission. The woman member shall receive a salary of eighteen hundred dollars annually for her work as secretary. All claims of the commission for expenses necessarily incurred in the administration of this act, but not exceeding the annual appropriation hereinafter provided, shall be presented to the state auditor for payment by warrant upon the state treasurer.

SEC. 18.—There is appropriated out of any money in the state treasury not otherwise appropriated for the fiscal year ending July 31, 1914, the sum of five thousand dollars ($5,000.00), and for the fiscal year ending July 31, 1915, the sum of five thousand dollars ($5,000.00).

SEC. 19.—Any employer violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of not less than ten nor more than fifty dollars or by imprisonment for not less than ten nor more than sixty days.

SEC. 20.—Throughout this act the following words and phrases as used herein shall be considered to have the following meanings respectively, unless the context clearly indicates a different meaning in the connection used:

(1) The terms "living wage" or "living wages" shall mean wages sufficient to maintain the worker in health and supply him with the necessary comforts and conditions of reasonable life; and where the words "minimum wage" or "minimum wages" are used in this act the same shall be deemed to have the same meaning as "living wage" or "living wages."

(2) The terms "rate" or "rates" shall mean rate or rates of wages.

(3) The term "commission" shall mean the minimum wage commission.

(4) The term "woman" shall mean a person of the female sex eighteen years of age or over.

(5) The term "minor" shall mean a male person under the age of twenty-one years, or a female person under the age of eighteen years.

(6) The terms "learner" and "apprentice" may mean either a woman or a minor.

(7) The terms "worker" or "employee" may mean a woman, a minor, a learner, or an apprentice, who is employed for wages.

(8) The term "occupation" shall mean any business, industry, trade, or branch of a trade in which women or minors are employed.

SEC. 21.—This act shall take effect and be in force from and after its passage.

[Approved April 26, 1913.]

Laws of 1921. (*Chapter 84.*)

AN ACT transferring the secretary and employees of the Minimum Wage Commission to the Department of Labor and Industries, terminating such commission and devolving its powers and duties upon the Industrial Commission of Minnesota.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1.—*Duties of Minimum Wage Commission Transferred*—On and after the first day of June, 1921, the powers and duties then by law vested in and imposed upon the Minimum Wage Commission shall be exercised and performed by the Industrial Commission of Minnesota and its subordinates, as a part of the functions of the division of women and children in the Department of Labor and Industries.

SEC. 2.—*Secretary and Employees Transferred*—On the first day of June, 1921, persons then serving as secretary and employees of the Minimum Wage Commission, shall be transferred by the Industrial Commission to the division of women and children to the Department of Labor and Industries and assigned to such positions as the Industrial Commission shall designate.

SEC. 3.—*Minimum Wage Commission Abolished*—On and after the first day of June, 1921, the Minimum Wage Commission, as heretofore constituted, shall have no further legal existence, except that it shall, within ten days after such date, submit to the Governor a report covering the period extending to such date from the date of the last report of such Minimum Wage Commission.

SEC. 4.—*Inconsistent Acts Repealed*—All acts and parts of acts so far as inconsistent with the provisions of this act and not otherwise are hereby repealed.

SEC. 5.—*Effective June 1, 1921*—This act shall take effect on the first day of June, 1921.

[Approved March 15, 1921.]

North Dakota.

Enacted in 1919. (*Chapter 174.*)

AN ACT to protect the lives and health and morals of women and minor workers and to establish maximum hours and minimum wages therefor; authorizing and empowering the Workmen's Compensation Bureau to fix such maximum hours and minimum wages and standard conditions of labor for such workers; providing penalties for violation of this act; making an appropriation therefor and repealing Chapter 181 of the Session Laws of North Dakota for the year 1917, and all acts or parts of acts in conflict with the provisions of this act.

Be it enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1.—Definition. That when used in this act the term "Bureau" means the Workmen's Compensation Bureau.

The term "Commissioner" means a member of the Workmen's Compensation Bureau.

The term "minor" means a person of either sex under the age of eighteen years.

The term "women" includes only women eighteen years of age or over.

The term "Occupation" includes a business, industry, trade or branch thereof, but shall not include agricultural or domestic service.

SEC. 2.—The said bureau is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things:

(a) Standards of hours of employment for women or minors and what are unreasonably long hours for women or for minors in any occupation within the State of North Dakota;

(b) Standards of conditions of labor for women or for minors in any occupation within the state and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals of women or of minors in any such occupation;

(c) Standards of minimum wages for women in any occupation in the state and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health;

(d) Standard of minimum wages for minors in any occupation within the state of North Dakota and what wages are unreasonably low for any such minor workers;

(e) To prepare, adopt and promulgate rules and regulations for the carrying into effect of the foregoing provisions of this act, including rules and regulations for the selection of members and the mode of procedure of conferences;

(f) To employ any and all necessary help and assistance for the purpose of carrying out the provisions of this act and to fix their compensation and bonds, providing that the total amount of such compensation shall not exceed the amount appropriated therefor by the Legislative Assembly;

(g) To investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in different occupations in which they are employed in the state of North Dakota;

(h) Either through any authorized representative or any commissioner, to inspect and examine any and all books and payrolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the questions of labor or hours of labor or conditions of labor of any such women workers or minor workers, in any of such occupations;

(i) To require from any such employer full and true statements of the wages paid to and the hours of

labor and conditions of labor, of all women and minors in such employment.

SEC. 3.—It shall be unlawful to employ women or minors in any occupation within the state for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the state under such surroundings or conditions, sanitary or otherwise, as may be detrimental to their health, or morals; and it shall be unlawful to employ women in any occupation within the state for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the state for unreasonably low wages.

SEC. 4.—Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit any commissioner or any authorized representative of said bureau to inspect and examine such register.

SEC. 5.—Said bureau may hold meetings for the transaction of any of its business at such times and places as it may prescribe; and said bureau may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any of the matters it is authorized to investigate by this act. At any such public hearing any person interested in the matter being investigated may appear and testify. Said bureau or any commissioner shall have power to subpoena and compel the attendance of any witness at any such public hearing or at any session of any conference called and held as hereinafter provided; and any commissioner shall have power to administer an oath to any witness who testifies at any public hearing or at any such session of any conference. All witnesses subpoenaed by said bureau shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the district court.

SEC. 6.—If, after investigation, said bureau is of the opinion that any substantial number of women workers in any occupation are working for unreasonably long hours or are working under surroundings or conditions detrimental to their health or morals or are receiving inadequate wages to supply them with the necessary cost of living and maintain them in health, said bureau may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said bureau and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the representatives of the employees in said occupation and of not more than three disinterested persons representing the public and of one or more commissioners. Said bureau shall name and appoint all members of such conference and designate the chairman thereof. Said bureau shall present to such conference all information and evidence in the possession or under the control of said bureau which relates to the subject of the inquiry of such conference, and said bureau shall cause to be brought before such conference any witness whose testimony said bureau deems material to the subject of the inquiry of such conference. After completing its consideration of any inquiry into the subject submitted to it by said bureau, such conference shall make and transmit to said bureau a report containing the findings and recommendations of such conference on said subject. Accordingly as the subject submitted to it may require, such conference shall, in its report, make recommendations on any or all of the following questions concerning the particular occupation under inquiry, to-wit:

(a) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers;

(b) Standards of conditions of labor for women workers and what surroundings or conditions, sanitary

or otherwise, are detrimental to the health or morals of women workers;

(c) Standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health.

In its recommendation on a question of wages such conference shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate, recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will in its judgment be adequate to supply the necessary cost of living to women workers of average ordinary ability and maintain them in health. Two-thirds of the members of any such conference shall constitute a quorum; and the decision or recommendation or report of such two-thirds on any subject submitted shall be deemed the decision or recommendation or report of such conference.

SEC. 7.—Upon receipt of any report from any conference said bureau shall consider and review the recommendation contained in said report; and said bureau may approve any or all of said recommendations or disapprove any or all of said recommendations; and said bureau may resubmit to the same conference or a new conference any subject covered by any recommendations so disapproved. If said bureau approves any recommendations contained in any report from any conference, said bureau shall publish notice, not less than once a week for four successive weeks in not less than two newspapers of general circulation published in the state, that it will on a date and at a place named in said notice hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and, after said publication of said notice and said meeting, said bureau may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same

into effect and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the sixtieth day following its making and rendition. After said order becomes effective and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order or to employ any woman worker in any occupation covered by said order for longer hours or under different surroundings or conditions or at a lower wage than are authorized or permitted by said order. Said bureau shall, as far as is practicable, mail a copy of such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said bureau shall authorize or permit the employment of any women for more hours per day or per week than the maximum now fixed by law.

SEC. 8.—Said bureau may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in this state and determine suitable wages and hours and conditions of labor for such minors. When said bureau has made such determination, it may issue an obligatory order in the manner hereinbefore provided; and, after such order is effective, it shall be unlawful for any employer in said occupation to employ a minor at less wages or for more hours or under different conditions of labor than are specified or required in or by said order; but no such order of said bureau shall authorize or permit the employment of any minor for more hours per day or per week than the maximum now fixed by law or at any times or under any conditions now prohibited by law.

SEC. 9.—Said bureau shall, from time to time, investigate and ascertain whether or not employers in the

state are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders.

SEC. 10.—All questions of fact arising under the foregoing provisions of this act shall, except as otherwise herein provided, be determined by said bureau, and there shall be no appeal from the decision of said bureau on any such question of fact; but there shall be a right of appeal from said bureau to the district court of Burleigh county, from any ruling or holding on a question of law included in or embodied in any decision or order of said bureau, and, on the same question of law, from said district court to the supreme court of the state. In all such appeals the attorney general shall appear for and represent said bureau.

SEC. 11.—For any occupation in which the minimum wage has been established the bureau may issue to a female physically defective by age or otherwise or to an apprentice or learner in such occupations as usually require learners or apprentices, a special license authorizing the employment of any such licensee at a wage less than the minimum wage to be fixed by the bureau, such license to be issued under such rules and regulations as the bureau may establish therefor.

SEC. 12.—Nothing in this act shall authorize or empower the bureau to increase the hours of labor for women or in any manner impair or affect the provisions of an act entitled "For an Act regulating and fixing the hours of labor for females and providing penalties for the violation thereof," adopted at the Sixteenth Legislative Session of this state.

SEC. 13.—Any person who violates any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars or by imprisonment in the county jail for not less than ten

days nor more than three months or by both such fine and imprisonment in the discretion of the court.

SEC. 14.—Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee may testify, in any investigation or proceedings under or relative to this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars.

SEC. 15.—If any woman worker shall be paid by her employer less than the minimum wage to which she is entitled under or by virtue of an order of said bureau, she may recover in a civil action the full amount of her said minimum wage less any amount actually paid her by said employer, together with such attorney's fees as may be allowed by the court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.

SEC. 16.—Said bureau shall, on or before the first day of November of the year 1920 and of each second year thereafter, make a succinct report to the governor and legislature of its work and the proceedings under this act during the preceding two years.

SEC. 17.—Appropriation. There is hereby appropriated out of the moneys in the state treasury, not otherwise appropriated, the sum of Six Thousand Dollars per annum, or so much thereof as may be necessary per annum, to carry into effect the provisions of this act and to pay the expenses and expenditures authorized by or incurred under this act.

SEC. 18.—That Chapter 181 of the Session Laws of North Dakota for the year 1917 and all acts and parts of acts in conflict herewith, are hereby repealed.

[Approved March 6th, 1919.]

Oregon.

Enacted in 1913. (Chapter 62.) Amended in 1915 (Chapter 35), and in 1917 (Chapter 163).

AN ACT to protect the lives and health and morals of women and minor workers, and to establish an Industrial Welfare Commission and define its powers and duties, and to provide for the fixing of minimum wages and maximum hours and standard conditions of labor for such workers, and to provide penalties for violation of this act.

WHEREAS, The welfare of the State of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals, and inadequate wages and unduly long hours and unsanitary conditions of labor have such a pernicious effect; therefore,

Be it enacted by the People of the State of Oregon:

SECTION 1.—It shall be unlawful to employ women or minors in any occupation within the State of Oregon for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the State of Oregon under such surroundings or conditions—sanitary or otherwise—as may be detrimental to their health or morals; and it shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State of Oregon for unreasonably low wages.

SEC. 2.—There is hereby created a commission composed of three commissioners, which shall be known as the "Industrial Welfare Commission;" and the word "Commission" as hereinafter used refers to and means said "Industrial Welfare Commission;" and the word "Commissioner" as hereinafter used refers to and

means a member of said "Industrial Welfare Commission." Said Commissioners shall be appointed by the Governor. The Governor shall make his first appointments hereunder within thirty days after this bill becomes a law; and of the three Commissioners first appointed, one shall hold office until January 1, 1914, and another shall hold office until January 1, 1915, and the third shall hold office until January 1, 1916; and the Governor shall designate the terms of each of said three first appointees. On or before the first day of January of each year, beginning with the year 1914, the Governor shall appoint a Commissioner to succeed the Commissioner whose term expires on said first day of January; and such new appointee shall hold office for the term of three years from said first day of January. Each Commissioner shall hold office until his successor is appointed and has qualified; and any vacancy that may occur in the membership of said Commission shall be filed by appointment by the Governor for the unexpired portion of the term in which such vacancy occurs. A majority of said Commissioners shall constitute a quorum to transact business, and the act or decision of such a majority shall be deemed the act or decision of said Commission; and no vacancy shall impair the right of the remaining Commissioners to exercise all the powers of said Commission. The Governor shall, so far as practicable, so select and appoint said Commissioners—both the original appointments and all subsequent appointments—that at all times one of said Commissioners shall represent the interests of the employing class and one of said Commissioners shall represent the interests of the employed class and the third of said Commissioners shall be one who will be fair and impartial between employers and employees and work for the best interests of the public as a whole.

SEC. 3.—The first Commissioners appointed under this Act shall, within twenty days after their appointment, meet and organize said Commission by electing one of their number as chairman thereof and by choosing a

secretary of said Commission; and by or before the tenth day of January of each year, beginning with the year 1914, said Commissioners shall elect a chairman and choose a secretary for the coming year. Each such chairman and each such secretary shall hold his or her position until his or her successor is elected or chosen; but said Commission may at any time remove any secretary chosen hereunder. Said secretary shall not be a Commissioner; and said secretary shall perform such duties as may be prescribed and receive such salary as may be fixed by said Commission. None of said Commissioners shall receive any salary as such. All authorized and necessary expenses of said Commission and all authorized and necessary expenditures incurred by said Commission shall be audited and paid as other State expenses and expenditures are audited and paid.

SEC. 4.—Said Commission is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: (a) Standards of hours of employment for women or for minors and what are unreasonably long hours for women or for minors in any occupation within the State of Oregon; (b) Standards of conditions of labor for women or for minors in any occupation within the State of Oregon and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women or of minors in any such occupation; (c) Standards of minimum wages for women in any occupation within the State of Oregon and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health;
and (d) Standards of minimum wages for minors in any occupation within the State of Oregon and what wages are unreasonably low for any such minor workers.

SEC. 5.—Said Commission shall have full power and authority to investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in the different occupations in which they are

employed in the State of Oregon; and said Commission shall have full power and authority, either through any authorized representative or any Commissioner to inspect and examine any and all books and payrolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the questions of wages or hours of labor or conditions of labor of any such women workers or minor workers in any of said occupations and to require from any such employer full and true statements of the wages paid to and the hours of labor of and the conditions of labor of all women and minors in his employment.

SEC. 6.—Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit any Commissioner or any authorized representative of said Commission to inspect and examine such register. The word "minor," as used in this Act, refers to and means any person of either sex under the age of eighteen years; and the word "woman," as used in this Act, refers to and means a female person of or over the age of eighteen years.

SEC. 7.—Said Commission may hold meetings for the transaction of any of its business at such times and places as it may prescribe; and said Commission may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any of the matters it is authorized to investigate by this Act. At any such public hearing any person interested in the matter being investigated may appear and testify. Said Commission shall have power to subpoena and compel the attendance of any witness at any such public hearing or at any session of any conference called and held as hereinafter provided; and any Commissioner shall have power to administer an oath to any witness who testifies at any such public hearing or at any such session of any conference. All witnesses subpoenaed by said Commission shall be paid the same mileage and per diem as

are allowed by law to witnesses in civil cases before the Circuit Court of Multnomah County.

SEC. 8.—If, after investigation, said Commission is of opinion that any substantial number of women workers in any occupation are working for unreasonably long hours or are working under surroundings or conditions detrimental to their health or morals or are receiving wages inadequate to supply them with the necessary cost of living and maintain them in health, said Commission may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said Commission and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the representatives of the employees in said occupation and of not more than three disinterested persons representing the public and of one or more Commissioners. Said Commission shall name and appoint all the members of such conference and designate the chairman thereof. Said Commission shall present to such conference all information and evidence in the possession or under the control of said Commission which relates to the subject of the inquiry by such conference; and said Commission shall cause to be brought before such conference any witnesses whose testimony said Commission deems material to the subject of the inquiry by such conference. After completing its consideration of and inquiry into the subject submitted to it by said Commission, such conference shall make and transmit to said Commission a report containing the findings and recommendations of such conference on said subject. Accordingly as the subject submitted to it may require, such conference shall, in its report, make recommendations on any or all of the following questions concerning the particular occupation under inquiry to wit: (a) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers; (b) Standards of conditions of labor for women workers and

what surroundings or conditions—sanitary or otherwise —are detrimental to the health or morals of woman workers; (c) Standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health. In its recommendations on a question of wages such conference shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will in its judgment be adequate to supply the necessary cost of living to women workers of average ordinary ability and maintain them in health; and in its recommendations on a question of wages such conference shall, when it appears proper or necessary, recommend suitable minimum wages for learners and apprentices and the maximum length of time any woman worker may be kept at such wages as a learner or apprentice, which said wages shall be less than the regular minimum wages recommended for the regular women workers in the occupation under inquiry. Two-thirds of the members of any such conference shall constitute a quorum; and the decision or recommendation or report of such a two-thirds on any subject submitted shall be deemed the decision or recommendations or report of such conference.

SEC. 9.—[*As amended, Acts* 1915, *Ch.* 35.]—Upon receipt of any report from any conference said Commission shall consider and review the recommendations contained in said report; and said Commission may approve any or all of said recommendations; or disapprove any or all of said recommendations; and said Commission may re-submit to the same conference or a new conference any subject covered by any recommendations so disapproved. If said Commission approves any recomendations contained in any report from any conference, said Commission shall publish notice, not less than once a week for four successive weeks in not less than two news-

papers of general circulation published in Multnomah County, that it will on a date and at a place named in said notice hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and, after said publication of said notice and said meeting, said Commission may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the sixtieth day following its making and rendition. After said order becomes effective and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order or to employ any woman worker in any occupation covered by said order for longer hours or under different surroundings or conditions or at lower wages than are authorized or permitted by said order. Said Commission shall, as far as is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said Commission shall authorize or permit the employment of any woman for more hours per day or per week than the maximum now fixed by law; provided, however, that in case of emergencies which may arise in the conduct of any industry or occupation overtime may be permitted under conditions and rules which the Commission after investigation shall determine and prescribe by order and which shall apply equally to all employers in such industry or occupation.

SEC. 10.—For any occupation in which only a minimum time rate wage has been established, said Commission may issue to a woman physically defective or crippled by age or otherwise a special license authorizing

her employment at such wage less than said minimum time rate wage as shall be fixed by said Commission and stated in said license.

SEC. 11.—Said Commission may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in the State and determine suitable wages and hours and conditions of labor for such minors. When said Commission has made such determination, it may issue an obligatory order in the manner provided for in Section 9 of this Act; and, after such order is effective, it shall be unlawful for any employer in said occupation to employ a minor at less wages or for more hours or under different conditions of labor than are specified or required in or by said order; but no such order of said Commission shall authorize or permit the employment of any minor for more hours per day or per week than the maximum now fixed by law or at any times or under any conditions now prohibited by law.

SEC. 12.—The word "occupation" as used in this Act shall be so construed as to include any and every vocation and pursuit and trade and industry. Any conference may make a separate inquiry into and report on any branch of any occupation; and said Commission may make a separate order affecting any branch of any occupation. Any conference may make different recommendations and said Commission may make different orders for the same occupation in different localities in the State when, in the judgment of such conference or said Commission, different conditions in different localities justify such different recommendations or different orders.

SEC. 13.—Said Commission shall, from time to time, investigate and ascertain whether or not employers in the State of Oregon are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders.

SEC. 14.—The "Commissioner of Labor Statistics and Inspector of Factories and Work Shops" and the several officers of the "Board of Inspection of Child Labor" shall, at any and all times, give to said Commission any information or statistics in their respective offices that would assist said Commission in carrying out this Act and render such assistance to said Commission as may not be inconsistent with the performance of their respective official duties.

SEC. 15.—Said Commission is hereby authorized and empowered to prepare and adopt and promulgate rules and regulations for the carrying into effect of the foregoing provisions of this Act, including rules and regulations for the selection of members and the mode of procedure of conferences.

SEC. 16.—All questions of fact arising under the foregoing provisions of this Act shall, except as otherwise herein provided, be determined by said Commission, and there shall be no appeal from the decision of said Commission on any such question of fact; but there shall be a right of appeal from said Commission to the Circuit Court of the State of Oregon for Multnomah County from any ruling or holding on a question of law included in or embodied in any decision or order of said Commission, and, on the same question of law, from said Circuit Court to the Supreme Court of the State of Oregon. In all such appeals the Attorney General shall appear for and represent said Commission.

SEC. 17.—Any person who violates any of the foregoing provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars or by imprisonment in the county jail for not less than ten days nor more than three months or by both such fine and imprisonment in the discretion of the court.

SEC. 18.—Any employer who discharges or in any other manner discriminates against any employe be-

cause such employe has testified, or is about to testify, or because such employer believes that such employe may testify, in any investigation or proceedings under or relative to this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars.

SEC. 19.—If any woman worker shall be paid by her employer less than the minimum wage to which she is entitled under or by virtue of an order of said Commission, she may recover in a civil action the full amount of her said minimum wage less any amount actually paid to her by said employer, together with such attorneys' fees as may be allowed by the court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.

SEC. 20.—Said Commission shall, on or before the first day of January of the year 1915 and of each second year thereafter, make a succinct report to the Governor and Legislature of its work and the proceeding under this Act during the preceding two years.

SEC. 21.—There is hereby appropriated out of the general fund of the State of Oregon the sum of thirty-five hundred ($3,500) dollars per annum, or so much thereof as may be necessary per annum, to carry into effect the provisions of this Act and to pay the expenses and expenditures authorized by or incurred under this Act.

[Filed in the office of Secretary of State, February 17, 1913.]

Amended in 1917. (*Chapter 163.*)

SECTION 1.—The hours of work may be so arranged as to permit the employment of females at any one time so that they shall not work more than ten hours during the twenty-four hours of one day or sixty hours during any one week. *Provided, however,* that the provisions of

this section in relation to the hours of employment shall not apply to nor affect females employed in harvesting, packing, curing, canning or drying any variety of perishable fruit, vegetable or fish. *Provided further,* they be paid time and a half for time over ten hours per day when employed in canneries or driers or packing plants. *Provided also* that piece workers shall be paid one and a half the regular prices for all work done during the time they are employed over ten hours a day.

SEC. 2.—That Chapter 62* of the laws of Oregon for the year 1913 and Chapter 35* of the laws of Oregon for the year 1915 in so far as they confer authority upon the Industrial Welfare Commission to regulate the hours of employment for women engaged in harvesting, packing, curing, canning or drying any variety of perishable fruit, vegetables, or fish, are hereby repealed.

*Industrial Welfare Commission Law.

Texas.

Enacted in 1919. (Chapter 160.) Repealed in 1921. (Chapter 118.)

AN ACT regulating the employment of women and minors and establishing an Industrial Welfare Commission to investigate and deal with such employment, including the fixing of a minimum wage; providing for an appropriation therefor, and fixing penalties for violating this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1.—There is hereby established a commission to be known as the Industrial Welfare Commission, hereinafter called the Commission. Said Commission shall be composed of three persons as follows: The head of the Bureau of Labor Statistics, who shall be chairman of the Commission, the representative of employers of labor on the Industrial Accident Board, and the State Superintendent of Public Instruction. Two members of the Commission shall constitute a quorum, the concurrence of two members shall be necessary to determine any question that may arise for decision, and a vacancy on the Commission shall not impair the right of the remaining members to perform all the duties and exercise all the powers and authority of the Commission.

SEC. 2.—The Commission may employ a secretary and two (2) investigators to carry out the purpose of this Act, and shall fix the compensation of such employees, not to exceed the sum of $1,800 per annum for each one, and all necessary traveling expenses, within the appropriation made therefor.

SEC. 3. (a) It shall be the duty of the Commission to ascertain the wages paid, the hours and conditions of labor and employment in the various occupations, trades, and industries in which women and minors are employed

in the State of Texas, and to make investigations into the comfort, health, safety and welfare of such women and minors.

(b) It shall be the duty of every person, firm and corporation employing labor in this State:

1.—To furnish to the Commission, at its request, any and all reports or information which the Commission may require pertaining to the working conditions and wages paid women and minors to carry out the purpose of this Act; such reports and information to be verified by the oath of the person, or a member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when requested by the Commission or any member thereof.

2.—To allow any member of the Commission, or its secretary or any of its duly authorized employees, free access to the place of business or employment of such person, firm, or corporation, for the purpose of making an investigation authorized by this Act, relating to the working conditions and wages of women and minors.

3.—To keep a register of the names, ages and residence addresses of all women and minors employed.

(c) For the purpose of this Act, a minor is defined to be a person of either sex under the age of fifteen years.

Sec. 4.—The Commission may specify times to hold public hearings, at which time employers, employees or other interested persons may appear and give testimony as to the matter under consideration. The Commission or any member thereof, or the secretary or any investigator employed by said Commission, shall have power to subpoena witnesses and to administer oaths. All witnesses subpoenaed by the Commission shall be paid the fee and mileage fixed by law in civil cases. In case of failure on the part of any person to comply with any order of the Commission or any member thereof or any subpoena, or upon the refusal of any witness to testify

to any matter regarding which he may lawfully be interrogated before any wage board or the Commission, it shall be the duty of any district court or the judge thereof, to whom application is made, on the application of a member of the Commission, to compel obedience in the same manner, by contempt proceedings or otherwise, that such obedience would be compelled in a proceeding pending before said court. The Commission shall have power to make and enforce reasonable and proper rules of practice and procedure and shall not be bound by technical rules of evidence.

SEC. 5.—The Commission shall have further power, after a public hearing before any member of the Commission, or before any investigator employed by said Commission, and upon its own motion or upon petition, to fix:

1. A minimum wage to be paid to women and minors engaged in any occupation, trade or industry in this State, which shall not be less than a wage adequate to supply such women and minors the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade or industry in this State.

(b) Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and acting upon any matters referred to in subsection (a) hereof, the Commission shall give public notice by advertisement in at least one newspaper published in the county where the hearing is to be held, and by mailing a copy of said notice to the county clerk of such county where the hearing is to be held, and to the individual, firm, or corporation, to be investigated, which notice shall state the time and place of such hearing to be held which shall not be earlier than ten days from the date of publishing and mailing such notice.

(c) After such public hearing the Commission may, in its discretion, make a mandatory order to be effective in sixty days from the making of such order, specifying the minimum wage for women and minors in the occupation in question and the standard conditions of labor for said women and minors: provided, however, that no such order shall become effective until November 1, 1919.

Such order shall be published in at least one newspaper in the cities of Dallas, Houston, San Antonio, Fort Worth, El Paso and Austin; and a copy thereof mailed to the county clerk of each county in the State, and such copy shall be recorded without charge, and copies shall be mailed to each employer in the occupation in question, and each employer in the occupation in question shall be required to post a copy of such order in a conspicuous place in the building in which the women or minors affected by the order are employed. Failure of the employer to receive such notice shall not relieve the employer from the duty to comply with such order. Finding by the Commission that there has been such publication and mailing to the county clerk shall be conclusive to the service.

Sec. 6.—Whenever wages or conditions of labor have been so made mandatory in any occupation, trade or industry, the Commission may at any time in its discretion upon its own motion or upon petition of either employers or employees, after a public hearing held upon the notice prescribed for an original hearing, rescind, alter or amend any prior order. Any order rescinding a prior order shall have the same effects as herein provided for in an original order.

Sec. 7.—For any occupation in which a minimum wage has been established, the Commission may issue to any person subject to this Act, a special license authorizing the employment of such person for a period of six months for a wage less than such legal minimum wage; and the Commission shall fix a special minimum wage for such person; provided that at no time shall the special licenses exceed ten per cent. of the total num-

ber of employees in said industry. Any such license may be renewed for a like period of six months.

SEC. 8.—Upon the request of the Commission, the Labor Commissioner shall cause such statistics and other data and information to be gathered and investigation made, as the Commission may require pertaining to the wages and working conditions of women and minors.

SEC. 9.—Any employer who discharges, or threatens to discharge, or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee may testify in any investigation or proceeding relative to the enforcement of this Act, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine of not less than ten ($10) dollars nor more than one hundred ($100) dollars, or by imprisonment in the county jail of not more than thirty days, or by both such fine and imprisonment.

SEC. 10.—The minimum wage for women and minors fixed by said Commission as in this Act provided, shall be the minimum wage paid to such employees, and the payment to such employees of a less wage than the minimum wage so fixed shall be unlawful, and every employer or other person who, either individually or as an officer, agent or employee of a corporation or other person, pays or causes to be paid to any such employee a wage less than such minimum shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten ($10) dollars nor more than one hundred ($100) dollars, or by imprisonment of not more than thirty days in the county jail, or by both such fine and imprisonment.

SEC. 11.—In every prosecution for the violation of any provision of this Act the minimum wage established by the Commission as herein provided, shall be prima facie presumed to be reasonable and lawful, and to be the living wage required herein to be paid women

and minors. The finding of facts made by the Commission acting within its powers shall, in the absence of fraud, be conclusive; and the determinations made by the Commission shall be subject to review only in a manner and upon the grounds following; within thirty days from the date of determination, any party aggrieved thereby may commence action in the district court in and for the county in which the aggrieved party resides, or in the district court of Travis County, against the Commission for review of such determination. In such action a complaint which shall state the grounds upon which a review is sought shall be served with the summons, service upon the secretary of the Commission or upon any member of the Commission, shall be deemed a complete service. The Commission shall file its answer within twenty days after the service of the complaint. With its answer, the Commission shall make a return to the court of all documents and papers on file in the matter, and of all testimony and evidence which may have been taken before it and of its findings and determinations in the matter. The action may thereupon be brought on for hearing before the court upon such record by either party on ten days' notice to the other. Upon such hearing the court may confirm or set aside such determination, but the same shall be set aside only upon the following grounds:

(1) That the Commission acted without or in excess of its powers, or on insufficient grounds.

(2) That the determination was procured by fraud.

Upon the setting aside of any determination the court may recommit the controversy and remand the record in the case to the Commission for further proceedings. The Commission or any party aggrieved, by a decree entered upon the review of a determination, may appeal therefrom within the time and in the manner provided for an appeal from the orders of the said district court.

SEC. 12.—Any employee receiving less than the minimum wage applicable to such employee shall be entitled

to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, and an additional amount for attorneys' fees notwithstanding any agreement to work for such lesser wage.

SEC. 13.—Any person or persons for whom the Commission may have established a living wage may register a complaint with the Commission that the wages paid to him or them are less than that rate, and the Commission shall thereupon investigate the matter and take all proceedings necessary to enforce the payment of such established wage.

SEC. 14.—The Commission shall biennially make a report to the Governor and the State Legislature of its investigations and proceedings.

SEC. 15.—There is hereby appropriated out of the moneys of the State Treasury, not otherwise appropriated, the sum of five thousand ($5,000) dollars, or so much thereof as may be necessary, to be used by the Commission in carrying out the provisions of this Act to August 31, 1919, and the Comptroller is hereby directed from time to time to draw warrants upon presentation of properly itemized, verified and approved vouchers on the general fund in favor of the Commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

SEC. 16.—The Commission shall not act as a board of arbitration during a strike or a lockout.

SEC. 17. (a) Whenever this Act, or any part or section thereof is interpreted by a court, it shall be liberally construed by such court.

(b) If any section, or subsection or subdivision of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, subsection, subdivision, sentence, clause and phrase

thereof; irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, or clauses or phrases is declared unconstitutional.

SEC. 18.—The provisions of this Act shall apply to and include women and minors employed in any occupation, trade or industry and whose compensation for labor is measured by time, piece or otherwise, except those engaged as domestic servants, nurses, student nurses, farm or ranch labor and students in schools and colleges while actually attending such schools and colleges during their session or in vacation and who are working their way through such school or college, either in whole or in part.

SEC. 19.—The fact that there is now no law covering this matter and that the welfare of the women and minors of Texas demand suitable legislation creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended, and that this Act shall take effect from and after the date of its passage, and it is so enacted.

[Approved April 3, 1919.]

Utah.

Enacted in 1913. (*Chapter 68.*) *Amended in 1917.* (*Chapter 49.*)

AN ACT to establish a minimum wage for female workers, providing a penalty for violation of the provisions of this act, and providing for its enforcement.

Be it enacted by the Legislature of the State of Utah:

SECTION 1.—It shall be unlawful for any regular employer of female workers in the State of Utah to pay any woman (female) less than the wage in this section specified, to wit:

For minors, under the age of eighteen years, not less than seventy-five cents per day; for adult learners and apprentices not less than ninety cents per day; provided, that the learning period or apprenticeship shall not extend for more than one year; for adults who are experienced in the work they are employed to perform, not less than one dollar and twenty-five cents per day.

SEC. 2.—All regular employers of female workers shall give a certificate of apprenticeship for time served to all apprentices.

SEC. 3.—Any regular employer of female workers who shall pay to any woman (female) less than the wage specified in Section 1 of this act, shall be guilty of a misdemeanor.

SEC. 4.—Repealed.

[Approved March 18th, 1913.]

Enacted in 1917. (Chapter 100.) Amended in 1919 (Chapter 63), and in 1921, (Chapter 67). See Compiled Laws, 1917, Title 49.

AN ACT creating the Industrial Commission of Utah.

3061. [*As amended, Laws* 1919, *Ch.* 63.]

There is hereby created the Industrial Commission of Utah, to be composed of three members, who shall be appointed by the Governor, by and with the advice of the Senate, one member of said Commission shall be appointed for a term of two years, one member for a term of four years and one member for a term of six years from the first Monday in January, 1919; and thereafter each member shall be appointed for a term of six years. Not more than two members of the Commission shall belong to the same political party.

SECTION 3076.—It shall also be the duty of the commission, and it shall have full power, jurisdiction, and authority:

1. To administer and enforce all laws for the protection of life, health, safety, and welfare of employes; . .

SEC. 3094.—[*As amended, Laws* 1921, *Ch.* 67.]—Every employer shall furnish the commission, upon request, all information required by it to carry out the purpose of this title. In the month of July of each year, every employer shall prepare and mail to the commission at the state capitol, Salt Lake City, Utah, a statement containing the following information, viz: The number of employes employed during the preceding year from July 1 to June 30, inclusive; the number of such employees employed at each kind of employment; and the scale of wages paid to each class of employment, showing the minimum and maximum wage paid, and the aggregate amount of wages paid to all employees; which information shall be furnished on a blank or blanks to be prepared by the commission; and it shall be the duty of the commission to furnish such blanks to employers free

of charge, upon request therefor. Every employer shall cause said blanks to be properly filled out so as to answer fully and correctly all questions therein propounded, and to give all the information therein sought, or if unable to do so, he shall give to the commission, in writing, good and sufficient reasons for such failure. The commission may require the information herein required to be furnished to be certified under oath and returned to the commission within the period fixed by it or by law. The commission, or any member thereof, or any person employed by the commission for that purpose, shall have the right to examine, under oath, any employer, or the officer, agent, or employee thereof, for the purpose of ascertaining any information which such employer is required by this title to furnish to the commission. Any employer who shall refuse to furnish to the commission the annual statement herein required, or who shall refuse to furnish such other information as may be required by the commission under authority of this section, or who shall wilfully furnish a false or untrue statement, shall be liable to a penalty of not to exceed $500 for each offense, to be collected in a civil action brought against said employer in the name of the state; all such penalties, when collected, shall be paid into the state treasury.

[Approved March 18, 1913.]

Washington.

Enacted in 1913. (*Chapter 174.*) *Amended in 1915.* (*Chapter 68.*)

AN ACT to protect the lives, health, morals of women and minors, workers, establishing an industrial welfare commission for women and minors, prescribing its powers and duties, and providing for the fixing of minimum wages and the standard condition of labor for such workers and providing penalties for violation of the same, and making an appropriation therefor.

Be it enacted by the Legislature of the State of Washington:

SECTION 1.—The welfare of the State of Washington demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals. The State of Washington, therefore, exercising herein its police and sovereign power declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

SEC. 2.—It shall be unlawful to employ women or minors in any industry or occupation within the State of Washington under conditions of labor detrimental to their health or morals; and it shall be unlawful to employ women workers in any industry within the State of Washington at wages which are not adequate for their maintenance.

SEC. 3.—There is hereby created a commission to be known as the "Industrial Welfare Commission" for the State of Washington, to establish such standards of wages and conditions of labor for women and minors employed within the State of Washington, as shall be held hereunder to be reasonable and not detrimental to health and morals, and which shall be sufficient for the decent maintenance of women.

SEC. 4.—Said commission shall be composed of five

persons, four of whom shall be appointed by the governor, as follows: The first appointments shall be made within thirty (30) days after this act takes effect; one for the term ending January 1st, 1914; one for the term ending January 1st, 1915; one for the term ending January 1st, 1916; and one for the term ending January 1st, 1917: *Provided, however,* That at the expiration of their respective terms, their successors shall be appointed by the governor to serve a full term of four years. No person shall be eligible to appointment as commissioner hereunder who is, or shall have been at any time within five years prior to the date of such appointment a member of any manufacturers' or employers' association or of any labor union. The governor shall have the power of removal for cause. Any vacancies shall be filled by the governor for the unexpired portion of the term in which the vacancy shall occur. The Commissioner of Labor of the State of Washington shall be *ex-officio* member of the commission. Three members of the commission shall constitute a quorum at all regular meetings and public hearings.

SEC. 5.—The members of said commission shall draw no salaries. The commission may employ a secretary, whose salary shall be paid out of the moneys hereinafter appropriated. All claims for expenses incurred by the commission shall, after approval by the commission, be passed to the state auditor for audit and payment.

SEC. 6.—It shall be the duty of the commission to ascertain the wages and conditions of labor of women and minors in the various occupations, trades and industries in which said women and minors are employed in the State of Washington. To this end, said commission shall have full power and authority to call for statements and to examine, either through its members or other authorized representatives, all books, pay rolls or other records of all persons, firms and corporations employing females or minors as to any matters that would have a bearing upon the question of wages of labor or conditions of labor of said employes.

SEC. 7.—Every employer of women and minors shall keep a record of the names of all women and minors employed by him, and shall on request permit the commission or any of its members or authorized representatives to inspect such record.

SEC. 8.—For the purposes of this act a minor is defined to be a person of either sex under the age of eighteen (18) years.

SEC. 9.—The commission shall specify times to hold public hearings, at which times employers, employes or other interested persons may appear and give testimony as to the matter under consideration. The commission shall have power to subpœna witnesses and to administer oaths. All witnesses subpœnaed by the commission shall be paid the same mileage and per diem allowed by law for witnesses before the superior court in civil cases.

SEC. 10.—If, after investigation, the commission shall find that in any occupation, trade or industry, the wages paid to female employes are inadequate to supply them necessary cost of living and to maintain the workers in health, or that the conditions of labor are prejudicial to the health or morals of the workers, the commission is empowered to call a conference composed of an equal number of representatives of employers and employees in the occupation or industry in question, together with one or more disinterested persons representing the public; but the representatives of the public shall not exceed the number of representatives of either of the other parties; and a member of the commission shall be a member of such conference and chairman thereof. The commission shall make rules and regulations governing the selection of representatives and the mode of procedure of said conference, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of said conference. On request of the commission, it shall be the duty of the conference to recommend to the commission an estimate of the minimum wage adequate in the occupa-

tion or industry in question to supply the necessary cost of living, and maintain the workers in health, and to recommend standards of conditions of labor demanded for the health and morals of the employees. The findings and recommendations of the conference shall be made a matter of record for the use of the commission.

SEC. 11.—Upon the receipt of such recommendations from a conference, the commission shall review the same and may approve any or all of such recommendations, or it may disapprove any or all of them and recommit the subject or the recommendations disapproved of, to the same or a new conference. After such approval of the recommendations of a conference the commission shall issue an obligatory order to be effective in sixty (60) days from the date of said order, or if the commission shall find that unusual conditions necessitate a longer period, then it shall fix a later date, specifying the minimum wage for women in the occupation affected, and the standard conditions of labor for said women; and after such order is effective, it shall be unlawful for any employer in said occupation to employ women over eighteen (18) years of age for less than the rate of wages, or under conditions of labor prohibited for women in the said occupation. The commission shall send by mail so far as practicable to each employer in the occupation in question a copy of the order, and each employer shall be required to post a copy of said order in each room in which women affected by the order are employed. When such commission shall specify a minimum wage hereunder the same shall not be changed for one year from the date when such minimum wage is so fixed.

SEC. 12.—Whenever wages or standard conditions of labor have been made mandatory in any occupation, upon petition of either employers or employes the commission may at its discretion reopen the question and reconvene the former conference or call a new one, and any recommendations made by such conference shall be dealt with in the same manner as the original recommendations of a conference.

SEC. 13.—For any occupation in which a minimum rate has been established, the commission through its secretary may issue to a woman physically defective or crippled by age or otherwise, or to an apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix the minimum wage for said person, such special license to be issued only in such cases as the commission may decide the same is applied for in good faith and that such license for apprentices shall be in force for such length of time as the said commission shall decide and determine is proper.

SEC. 14.—The commission may at any time inquire into wages, and conditions of labor of minors, employed in any occupation in the state and may determine wages and conditions of labor suitable for such minors. When the commission has made such determination in the cases of minors it may proceed to issue an obligatory order in the manner provided for in section 11 of this act, and after such order is effective it shall be unlawful for any employer in said occupation to employ a minor for less wages than is specified for minors in said occupation, or under conditions of labor prohibited by the commission for said minors in its order.

SEC. 15.—Upon the request of the commission the Commissioner of Labor of the State of Washington shall furnish to the commission such statistics as the commission may require.

SEC. 16.—Any employer who discharges, or in any other manner discriminates against any employe because such employe has testified or is about to testify, or because such employer believes that said employe may testify in any investigation or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of from twenty-five dollars ($25.00) to one hundred dollars ($100.00) for each such misdemeanor.

SEC. 17.—Any person employing a woman or minor for whom a minimum wage or standard conditions of labor have been specified, at less than said minimum wage, or under conditions of labor prohibited by the order of the commission; or violating any other of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00).

SEC. 17½.—Any worker or the parent or guardian of any minor to whom this act applies may complain to the commission that the wages paid to the workers are less than the minimum rate and the commission shall investigate the same and proceed under this act in behalf of the worker.

SEC. 18.—If any employe shall receive less than the legal minimum wage, except as hereinbefore provided in section 13, said employe shall be entitled to recover in a civil action the full amount of the legal minimum wage as herein provided for, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for such lesser wage. In such action, however, the employer shall be credited with any wages which have been paid upon account.

SEC. 19.—All questions of fact arising under this act shall be determined by the commission and there shall be no appeal from its decision upon said question of fact. Either employer or employe shall have the right of appeal to the superior court on questions of law.

SEC. 20.—The commission shall biennially make a report to the governor and state legislature of its investigations and proceedings.

SEC. 21.—There is hereby appropriated annually out of any moneys of the state treasury not otherwise appropriated, the sum of five thousand dollars ($5,000.00) or as much thereof as may be necessary to meet the expenses of the commission.

[Approved March 24, 1913.]

Acts of 1915. (Chapter 68.)

Employment of Women and Children by Telephone Companies:

SECTION 1.—The Industrial Welfare Commission is hereby authorized, in such manner as it shall deem advisable, and upon notice and hearing to parties directly affected thereby, to ascertain and establish such standards of wages, hours of work and conditions of labor of women and minors employed in the telephone industry in rural communities and in cities of less than three thousand (3000) population, as shall be found to be reasonable and not detrimental to the health and morals of such women and minors and which shall be sufficient for the decent maintenance of such women and minors, and notwithstanding any statute heretofore passed or regulation of such commission heretofore made relative thereto: Provided, That nothing in this act contained shall be construed to amend or repeal any law or any regulation relating to wages, hours of labor or conditions of labor of women or minors excepting as in this act authorized.

[Approved March 15, 1915.]

Acts of 1921. (Chapter 7.) Administrative Code.

AN ACT relating to, and to promote efficiency, order and economy in, the administration of the government of the state, prescribing the powers and duties of certain officers and departments, defining offences and fixing penalties, abolishing certain offices, and repealing conflicting acts and parts of acts.

Be it enacted by the Legislature of the State of Washington:

SECTION 1.—This act shall be known and may be cited as the administrative code.

SEC. 2.—There shall be, and are hereby created, departments of the state government which shall be known respectively as, (1) the department of public works, (2)

the department of business control, (3) the department of efficiency, (4) the department of taxation and examination, (5) the department of health, (6) the department of conservation and development, (7) the department of labor and industries, (8) the department of agriculture, (9) the department of licenses, and (10) the department of fisheries and game; which departments shall be charged respectively with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

SEC. 3.—There shall be a chief executive officer of each of the departments of the state government created by this act, to be known respectively as, (1) the director of public works, (2) the director of business control, (3) the director of efficiency, (4) the director of taxation and examination, (5) the director of health, (6) the director of conservation and development, (7) the director of labor and industries, (8) the director of agriculture, (9) the director of licenses, and (10) the director of fisheries and game; who shall be appointed by the governor with the consent of the senate, and hold office at the pleasure of the governor: *Provided,* That, if the senate be not in session when this act takes effect, and in case a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to the senate his nomination for the office.

SEC. 19.—The director of each department created by this act shall have the power to prescribe rules and regulations, not inconsistent with law, for the government of his department, the conduct of its subordinate officers and employees, the disposition and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto.

SEC. 20.—Each department created by this act shall maintain its principal office at the state capital in rooms

provided by the department of business control. The director of each department may, with the approval of the governor, establish and maintain branch offices at other places than the state capital for the conduct of one or more of the functions of his department.

SEC. 74.—The department of labor and industries shall be organized into, and consist of, three divisions, to be known respectively as, (1) the division of industrial insurance, (2) the division of safety, (3) the division of industrial relations. The director of labor and industries shall receive a salary of not to exceed seventy-five hundred dollars per annum, and have power to appoint such clerical assistants as may be necessary for the general administration of the department.

SEC. 77.—The director of labor and industries shall have power to appoint and deputize an assistant director, to be known as the supervisor of industrial relations, who shall be the state mediator, have charge and supervision of the division of industrial relations, and, with the approval of the director, shall appoint an assistant to be known as the industrial statistician, and a female assistant to be known as the supervisor of women in industry, and have power to appoint and employ such assistant mediators, experts, clerks, and other assistants as may be necessary to carry on the work of the division.

SEC. 81.—The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

(1) To promote mediation in, conciliation concerning, and the adjustment of, industrial disputes, in such manner and by such means as may be provided by law;

(2) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

(3) To, with the assistance of the industrial statistician, exercise all the powers and perform all the

duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state, now vested in, and required to be performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

(4) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

(5) To, with the assistance of the supervisor of women in industry, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of women and minors:

(6) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(7) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 82.—The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, the industrial statistician, and the supervisor of women in industry shall constitute a committee, of which the director shall be chairman, and the supervisor of women in industry shall be executive secretary, which shall have the power, and it shall be its duty:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the industrial welfare commission.

SEC. 135.—From and after the thirty-first day of March, 1921, the following offices, boards, commissions, bureaus and departments of the state government heretofore created by law shall be and are hereby abolished, viz.: the industrial welfare commission, the industrial insurance department, the bureau of labor, the commissioner of labor. . . .

SEC. 136.—All acts and part of acts in conflict with the provisions hereof are hereby repealed as of March 31, 1921.

SEC. 137.—If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SEC. 138. Whereas the revenues of the state are insufficient to support the state government and its existing public institutions as at present organized, and whereas it is necessary that the existing administrative agencies of the state government be consolidated and coordinated in order to bring the cost of supporting the state government and its existing institutions within the possible revenues of the state, therefore this act is necessary for the support of the state government and its existing public institutions, and shall take effect immediately.

[Approved February 9, 1921.]

Wisconsin.

Enacted in 1913. (Chapter 712.)

AN ACT to create Sections 1729s—1 to 1729s—12, inclusive, of the statutes, relating to the establishment of a living-wage for women and minors, and making an appropriation, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1729s—1. The following terms as used in Sections 1729s—1 to 1729s—12, inclusive, shall be construed as follows:

(1) The term "employer" shall mean and include every person, firm or corporation, agent, manager, representative, contractor, subcontractor or principal, or other person having control or direction of any person employed at any labor or responsible directly or indirectly for the wages of another.

(2) The term "employee" shall mean and include every person who is in receipt of or is entitled to any compensation for labor performed for any employer.

(3) The term "wage" and the term "wages" shall each mean any compensation for labor measured by time, piece or otherwise.

(4) The term "welfare" shall mean and include reasonable comfort, reasonable physical well-being, decency, and moral well-being.

(5) The term "living-wage" shall mean compensation for labor paid, whether by time, piece-work or otherwise, sufficient to enable the employee receiving it to maintain himself or herself under conditions consistent with his or her welfare.

SEC. 1729s—2. Every wage paid or agreed to be paid by any employer to any female or minor employee,

except as otherwise provided in sections 1729s—7, shall be not less than a living-wage.

SEC. 1729s—3. Any employer paying, offering to pay, or agreeing to pay to any female or minor employee a wage lower or less in value than a living-wage shall be deemed guilty of a violation of sections 1729s—1 to 1729s—12, inclusive, of the statutes.

SEC. 1729s—4. It shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority to investigate, ascertain, determine and fix such reasonable classifications, and to issue general or special orders, determining the living wage, and to carry out the purposes of sections 1729s—1 to 1729s—12, inclusive, of the statutes. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 2394—41 to 2394—70, inclusive,* of the statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 1729s—1 to 1729s—12 inclusive, of the statutes; and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 2394—41 to 2394—70, inclusive, of the statutes, and the penalties therein shall apply to and be imposed for any violation of sections 1729s—1 to 1729s—12, inclusive, of the statutes.

SEC. 1729s—5. After July 1, 1913, the industrial commission may, upon its own initiative, and after July 1, 1914, the industrial commission shall, within twenty days after the filing of a verified complaint of any person setting forth that the wages paid to any female or minor employee in any occupation are not sufficient to enable such employee to maintain himself or herself under conditions consistent with his or her welfare, investigate and determine whether there is reasonable

*Industrial commission act.

cause to believe that the wage paid to any female or minor employee is not a living wage.

SEC. 1729s—6. If, upon investigation, the commission finds that there is reasonable cause to believe that the wages paid to any female or minor employee are not a living-wage, it shall appoint an advisory wage board, selected so as fairly to represent employers, employees and the public, to assist in its investigations and determinations. The living-wage so determined upon shall be the living-wage for all female or minor employees, within the same class as established by the classification of the commission.

SEC. 1729s—7. The industrial commission shall make rules and regulations whereby any female or minor unable to earn the living-wage theretofore determined upon, shall be granted a license to work for a wage which shall be commensurate with his or her ability. Each license so granted shall establish a wage for the licensee, and no licensee shall be employed at a wage less than the rate so established.

SEC. 1729s—8. 1. All minors working in an occupation for which a living-wage has been established for minors, and who shall have no trade, shall, if employed in an occupation which is a trade industry, be indentured under the provisions of sections 2377 to 2386,* inclusive, of the statutes.

2.—A "trade" or a "trade industry" within the meaning of this act shall be a trade or an industry involving physical labor and characterized by mechanical skill and training such as render a period of instruction reasonably necessary. The industrial commission shall investigate, determine and declare what occupations and industries are included within the phrase a "trade" or a "trade industry."

3. All minors working in an occupation for which a living-wage has been established for minors, but which is

*Industrial commission act.

not a trade industry, who have no trade, shall be subject to the same provisions as minors between the ages of fourteen and sixteen as provided in sections 1728c—1† of the statutes.

4. The Industrial commission may make exceptions to the operation of subsections 1 and 2 of this section where conditions make their application unreasonable.

SEC. 1729s—9. Every employer employing three or more females or minors shall register with the industrial commission, on blanks to be supplied by the commission. In filling out the blank he shall state separately the number of females and the number of minors employed by him, their age, sex, wages and the nature of the work at which they are employed, and shall give such other information relative to the work performed and the wages received as the industrial commission requires. Each employer shall also keep a record of the names and addresses of all women and minors employed by him, the hours of employment and wages of each, and such other records as the industrial commission requires.

SEC. 1729s—10. Any employer who discharges or threatens to discharge, or in any way discriminates, or threatens to discriminate against any employee because the employee has testified or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding relative to the enforcement of this act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of twenty-five dollars for each offense.

SEC. 1729s—11. Each day during which any employer shall employ a person for whom a living-wage has been fixed at a wage less than the living-wage fixed shall constitute a separate and distinct violation of sections 1729s—1 to 1729s—12, inclusive, of the statutes.

SEC. 1729s—12. Any person may register with the industrial commission a complaint that the wages paid

†Industrial education act.

to an employee for whom a living-wage has been established, are less than that rate, and the industrial commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living-wage.

[Approved July 31, 1914.]

Porto Rico.

Enacted in 1919. (Chapter 45.)

AN ACT establishing minimum wages for working women, and for other purposes.

SECTION 1.—It shall be unlawful for any employer of women, girls inclusive, in industrial occupations, or commercial, or public-service undertakings in Porto Rico, to pay them wages lower than those specified in this Section, to wit:

Women under 18 years of age at the rate of four (4) dollars a week, and over said age at the rate of six (6) dollars a week. The first three weeks of apprenticeship shall be exempt from the provisions of this Section. The provisions of this Act shall not be applicable to agriculture and agricultural industries.

SEC. 2.—Any employer paying any woman, girls included, wages lower than those specified in Section 1 shall be guilty of misdemeanor, and upon conviction shall be punished by fine not to exceed fifty (50) dollars nor less than five (5) dollars.

SEC. 3.—The Bureau of Labor shall be intrusted with the enforcement of this Act.

SEC. 4.—All laws or parts of laws in conflict herewith are hereby repealed.

SEC. 5.—This Act shall take effect ninety days after its approval.

[Approved June 9, 1919.]

(2) Constitutional Provisions Validating Minimum Wage Statutes.

Ohio.

Ohio Constitution—Amendment of 1912.

Article II. Labor Legislation.

SECTION 34.—Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage commission, and providing for the comfort, health, safety and general welfare of all employees; and no other provision of the Constitution shall impair or limit this power.

California.

California Constitution. Article XX.

SECTION 17½.—The legislature may, by appropriate legislation provide for the establishment of a minimum wage for women and minors and may provide for the comfort, health, safety and general welfare of any and all employees. No provision of this constitution shall be construed as a limitation upon the authority of the legislature to confer upon any commission now or hereafter created such power and authority as the legislature may deem requisite to carry out the provisions of this section. (Adopted at the general election November 3, 1914, by an 84,000 majority.*)

Nebraska.

Nebraska Constitution—Amendments of 1920.

ARTICLE XV. SEC. 8.—Laws may be enacted regulating the hours and conditions of employment of women and children, and securing to such employees a proper minimum wage. (Adopted September 21, 1920, by a majority of 57,695.)**

*Third Biennial Report, California Industrial Welfare Commission, 1917-1918, Pages 7, 8.
**Letter from the Secretary of State.

(3) Committee Appointed to Draft Law.

Missouri.

Missouri. General Assembly. Joint and Concurrent Resolution. February 17, 1921.

WHEREAS, There is a great demand throughout the state for the enactment of legislation looking to the establishment of a minimum wage for female workers, and

WHEREAS, The problem of drafting a measure which will meet and effectually solve the problem presented by the wage situation as well as the industrial developments of the state, and at the same time be within the bounds of the Constitution of Missouri, presents one of great perplexities and a problem which demands for its legislation deliberate consideration and thought, therefore be it

RESOLVED: By the Senate, the House concurring herein, that a committee consisting of three Senators, to be appointed by the Lieutenant-Governor, and three members of the House, to be appointed by the Speaker of the House, from the body of the House and Senate, and three women to be named by the Governor, to be known as the Minimum Wage Commission, be appointed for the purpose of drafting a minimum wage law suited to the needs of the industrial condition of the State of Missouri, and the said commission be required to make report to the Legislature at the next regular session of the Legislature; and that the sum of $500.00 be set aside out of the contingent fund of the House and Senate to pay the actual expenses of such commission, including the printing of their report.

2. Great Britain.

The Trade Boards Acts, 1909 and 1918 (9 Edw. VII, Chap. 22.) (8 & 9 Geo. V, Chap. 32.)

[1918] 1.—(1) The Trade Boards Act, 1909 (in this Act referred to as "the principal Act") shall apply to the trade specified in the Schedule to that Act and to any other trades to which it has been applied by a provisional order made under section one of that Act or by a special order made under this Act by the Minister of Labour (in this Act referred to as "a special order").

(2) The Minister of Labour (in this Act referred to as "the Minister") may make a special order applying the principal Act to any specified trade to which it does not at the time apply if he is of the opinion that no adequate machinery exists for the effective regulation of wages throughout the trade, and that accordingly, having regard to the rate of wages prevailing in the trade, or any part of the trade, it is expedient that the principal Act should apply to that trade.

(3) If at any time the Minister is of opinion that the conditions of employment in any trade to which the principal Act applies have been so altered as to render the application of the principal Act to the trade unnecessary, he may make a special order withdrawing that trade from the operation of the principal Act.

(4) If the Minister is of the opinion that it is desirable to alter or amend the description of any of the trades specified in the Schedule to the principal Act, he may make a special order altering or amending the said Schedule accordingly.

(5) Any Act confirming a provisional order made in pursuance of section one of the principal Act may be repealed or varied by a special order.

(6) Section one of the principal Act shall cease to have effect.

[1918] 2. (1) Every special order shall without confirmation by Parliament have effect as if enacted in this Act and may be varied or revoked by a subsequent special order.

(4) Every special order shall be laid before each House of Parliament forthwith, and if an Address is presented to His Majesty by either House within the next subsequent forty days on which that House has sat after the order has been so laid, praying that the order may be annulled, His Majesty may annul the order, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the power of making a fresh order.

[1909] 2.—(1) The Board of Trade shall, if practicable establish one or more Trade Boards constituted in accordance with regulations made under this Act for any trade to which this Act applies or for any branch of work in the trade.

Where a Trade Board is established under this Act for any trade or branch of work in a trade which is carried on to any substantial extent in Ireland, a separate Trade Board shall be established for that trade or branch of work in a trade in Ireland.

Minimum Rates of Wages.

[1918] 3.—(1) The following provision shall be substituted for the first paragraph of subsection (1) of section four of the principal Act (which relates to the duties and powers of Trade Boards with respect to minimum rates of wages):

"Every Trade Board shall, subject to the provisions of this section, fix a minimum rate of wages for time-work in their trade (in this Act referred to as 'a general minimum time-rate') and may also fix for their trade—

"(a) A general minimum rate of wages for piece-work (in this Act referred to as 'a general minimum piece-rate');

"(b) A minimum time-rate (which shall not be higher than the general minimum time-rate) to apply in the case of workers employed on piece-work for the purpose of securing to such workers a minimum rate of remuneration on a time-work basis (in this Act referred to as 'a guaranteed time-rate');

"(c) A minimum rate (whether a time-rate or a piece-rate) to apply, in substitution for the minimum rate which would otherwise be applicable, in respect of hours worked by a worker in any week or on any day in excess of the number of hours declared by the Trade Board to be the normal number of hours of work per week or for that day in the trade (in this Act referred to as 'an overtime rate');

"Any of the minimum rates aforesaid may be fixed so as to apply universally to the trade or so as to apply to any special process in the work of the trade or to any special area, or to any class of workers in the trade, or to any class of workers in any special process or in any special area."

(2) The power of a Trade Board under the principal Act to fix a minimum rate of wages shall include the power to fix a series of minimum rates to come into operation successively on the expiration of specified periods, and the power to vary a minimum rate shall include the power so to vary a rate that the variation shall be operative only during a specified period.

(4) Where a Trade Board fix a minimum rate so as to apply to any class of workers in a trade they may, if they think it expedient so to do, attach to the fixing of the minimum rate the following conditions; that is to say,—

(a) A condition that workers who are members of the class must be the holders of certificates to that effect issued by the Trade Board; and

(b) If the class consists of persons who are learning the trade, such conditions as the Trade Board think necessary for securing the effective instruction of those persons in the trade.

If any condition so attached is not complied with in the case of any worker, he shall be deemed not to be a member of the class, and where a condition with respect to the holding of a certificate is so attached, the Trade Board shall issue a certificate to a person applying therefor on production of evidence to their satisfaction that the applicant is a member of the class.

[1909] 6.—(1) Where any minimum rate of wages fixed by a Trade Board has been made obligatory by order of the Board of Trade under this Act, an employer shall, in cases to which the minimum rate is applicable, pay wages to the person employed at not less than the minimum rate clear of all deductions, and if he fails to do so shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds and to a fine not exceeding five pounds for each day on which the offence is continued after conviction therefor.

[1918] 5.—(4) The following provisions shall be inserted at the end of subsection (1) of section six of the principal Act:

"In the foregoing provision, the expression 'deductions includes deductions for or in respect of any matter whatsoever (other than deductions under the National Insurance Act, 1911, as amended by any subsequent enactments or deductions authorized by any Act to be made from wages in respect of contributions to any superannuation or other provident fund), and notwithstanding that they are deductions which may lawfully be made from wages under the provisions of the Truck Acts, 1831 to 1896, and where any payment being a payment authorized to be received by an employer under section one, section two, or section three of the Truck

Act, 1896, is made by any employed person to his employer, the employer shall, for the purposes of the foregoing provision, be deemed to have deducted that amount from wages."

[1909] 6.—(2) On the conviction of an employer under this section for failing to pay wages at not less than the minimum rate to a person employed, the court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum as appears to the court to be due to the person employed on account of wages, the wages being calculated on the basis of the minimum rate, but the power to order the payment of wages under this provision shall not be in derogation of any right of the person employed to recover wages by any other proceeding.

[1918] 5.—(5) The following provisions shall be substituted for subsections (3) and (4) of section six of the principal Act:

"(3) If a Trade Board are satisfied that any worker employed or desiring to be employed in any branch of a trade to which a general minimum time-rate, a guaranteed time-rate, or a time-work overtime rate is applicable is affected by any infirmity or physical injury which renders him incapable of earning that minimum rate and, where the worker is not already employed on piece-work, are of opinion that the case cannot suitably be met by employing him on piece-work, the Trade Board may, if they think fit, grant to the worker, subject to such conditions, if any, as they prescribe, a permit exempting the employment of the worker from the provisions of this Act relating to the payment of wages at less than the minimum rate, and while the permit is in force the employer shall not be liable for paying wages to the worker at a rate less than the minimum rate so long as the conditions prescribed by the Trade Board on the grant of the permit are complied with.

"A Trade Board may, if they think fit, delegate their powers under this subsection to a committee consisting of such number of persons, being members of the Board, as the Board may think fit, so, however, that the members of the Board on the committee representing employers and the members of the Board on the committee representing workers shall be in equal proportions.

"(4) It shall be the duty of every employer in a trade to which a minimum rate is applicable, to keep such records of wages as are necessary to show that the provisions of this Act are being complied with as respects persons in his employment, and if he fails to do so he shall be liable on summary conviction in respect of each offense to a fine of not exceeding two pounds, and also to a fine not exceeding one pound for every day during which the default continues after conviction.

"On any prosecution of a person for failing to pay wages at not less than the minimum rate, it shall lie on that person to prove that he has not paid wages at less than the minimum rate."

[1918] 8. For the purpose of calculating the amount of the wages payable in the case of a worker employed on any work for which a minimum rate of wages has been fixed under the principal Act, the worker shall be deemed to have been employed during all the time during which he was present on the premises of the employer, unless the employer proves that he was so present without the employer's consent, express or implied, or that he was so present for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform, and in the case of a worker employed on piece-work shall be deemed during any time during which he was so present and was not doing piece-work to have been employed at the general minimum time-rate applicable to workers of the class to which he belongs:

Provided that—

(a) where a worker resides on the premises of the employer he shall not be deemed to be employed during any time during which he is present on the premises by reason only of the fact that he is so resident; and

(b) a worker while present during normal meal times in a room or place in which no work is being done shall be deemed to be present for a purpose unconnected with his work.

Constitution, Proceedings, etc., of Trade Boards.

[1909] 11.—(1) The Board of Trade may make regulations with respect to the constitution of Trade Boards which shall consist of members representing employers and members representing workers (in this Act referred to as representative members) in equal proportions and of the appointed members.

(2) Women shall be eligible as members of Trade Boards as well as men.

(3) The representative members shall be elected or nominated, or partly elected and partly nominated as may be provided by the regulations, and in framing the regulations the representation of home workers on Trade Boards shall be provided for in all trade in which a considerable proportion of home workers are engaged.

(4) The chairman of a Trade Board shall be such one of the members as the Board of Trade may appoint, and the secretary of the Trade Board shall be appointed by the Board of Trade.

[1909] 12.—(1) A Trade Board may establish district trade committees consisting partly of members of the Trade Board and partly of persons not being mem-

bers of the Trade Board but representing employers or workers engaged in the trade and constituted in accordance with regulations made for the purpose by the Board of Trade. . . .

(3) A Trade Board may refer to a district trade committee for their report and recommendations any matter which they think is expedient so to refer, and may also, if they think fit, delegate to a district trade committee or any sub-committee thereof any of their powers and duties under this Act, other than their power and duty to fix a general minimum time-rate and their power to fix a general minimum piece-rate, a guaranteed time-rate, a piece-work basis time-rate, and an overtime rate.

(4) Where a district trade committee has been established for any area, it shall be the duty of the committee to recommend to the Trade Board general minimum time-rates and, so far as they think fit, general minimum piece-rates, guaranteed time-rates, piece-work basis time-rates, and over-time rates, applicable to the trade in that area, and no such minimum rate of wages fixed under this Act and no variation or cancellation of such a rate shall have effect within that area unless either the rate or the variation or cancellation thereof, as the case may be, has been recommended by the district trade committee, or an opportunity has been given to the committee to report thereon to the Trade Board, and the Trade Board have considered the report (if any) made by the committee.

[1909] 13. (1) The Board of Trade may appoint such number of persons (including women) as they think fit to be appointed members of Trade Boards.

(2) Such of the appointed members of Trade Boards shall act on each Trade Board or district trade committee as may be directed by the Board of Trade, and, in the case of a Trade Board for a trade in which women are

largely employed, at least one of the appointed members acting shall be a woman:

Provided that the number of appointed members acting on the same Trade Board, or the same district trade committee, at the same time, shall be less than half the total number of members representing employers and members representing workers.

(3) Canada. [Extracts.]

Alberta.

The Factories Act, 1917. (*Chapter 20.*) *Amended in 1919* (*Chapter 4*), *in 1920* (*Chapter 40*), *in 1921* (*Chapter 41*), *and in 1922* (*Chapter 81*).

16. The provisions of this Act shall apply to shops, offices and office buildings in cities and towns having a population exceeding 5,000, and to all factories within the province.

24.—(2) No person shall be employed by any employer in any factory, shop, office or office building at a wage less than $1.50 per shift, except in the case of apprentices who may be paid a wage of not less than $1.00 per shift.

26a. Repealed. [Statutes, 1922, Ch. 81.]

The Minimum Wage Act, 1922. (*Chapter 81.*)

2. (c) "Employee" shall mean a female worker employed in any trade or occupation who works for wages, except domestic servants in private houses.

3. This Act shall only apply to employment in the places designated in schedule A hereto.

4. The Lieutnant Governor in Council may appoint three members to constitute a Minimum Wage Board, one of whom shall be appointed as representing employers, the second as representing the employed and the third as representing the province at large.

(2) The Lieutenant Governor in Council shall also name one of the members as chairman of the board.

(3) Two members of the board shall constitute a quorum.

5. The board may enquire into the conditions prevailing in any class of employment and the scale of

wages payable therefor, and in conducting such inquiry shall have all the powers conferred upon a commissioner under *An Act respecting Inquiries concerning Public Matters.*

6. The board may at any time direct a conference between representatives of employees and employers in any class of employmnt, for the purpose of reaching an agreement as to the minimum wage, and any matter referred to in section 10 herein, which ought to be paid in that class of employment.

(2) Every such conference shall consist of an equal number of representatives of employees and employers approved of by the board and of the chairman of the board sitting as chairman of the conference.

(3) Such number shall be fixed by the board.

(4) The chairman shall not vote.

7. The agreement, if any, arrived at by a majority of the conference shall be submitted in writing to the board, but a minority report may also be made.

8. The board may at any time by order, whether a conference has been held under the provisions of this Act or not, establish a minimum wage for employees with regard to any trade or occupation, and with regard to any municipality to which this Act applies or any number of such municipalities.

(2) A minimum wage may be established separately for employees classified as handicapped, or part time employees, or as apprentices.

13. Every agreement by an employee to work for less than the minimum wage fixed by the board with respect to the trade or occupation in which she is engaged shall have effect as if that minimum wage were stipulated for therein.

18. The provisions of Section 24 of *The Factories Act* as to a minimum wage and any other statutory pro-

vision with regard thereto shall not be applicable to any employee in respect of whom a minimum wage has been fixed by this Act.

Schedule A.

Calgary	75,000	Blairmore	1,550
Edmonton	65,000	Camrose	1,895
Lethbridge	13,000	Cardston	1,593
Medicine Hat.....	11,000	Coleman	1,583
Red Deer	3,000	Drumheller	2,054
Wetaskiwin	2,500	Redcliff	

[Assented to March 28, 1922.]

British Columbia.

Minimum Wage Act, 1918. (*Chapter 56.*) *Amended in 1919* (*Chapter 61*), *and in 1921* (*Chapter 40*).

3. For the purposes of administering and carrying out the provisions of this Act, there shall be in the Department of Labour of this Province a Board, to be called the "Minimum Wage Board," which shall consist of three members, one of whom shall be the Deputy Minister of Labour, who shall be Chairman of the Board, and the other members shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council. One member of the Board shall be a woman. Two members of the Board shall constitute a quorum.

5. It shall be the duty of the Board to ascertain the wages paid and the hours and conditions of labour and employment in the various occupations, trades, and industries in which females are employed in this Province, and to fix the minimum wage, the maximum hours, and such conditions of labour and employment as in the opinion of the Board seem necessary or expedient for the welfare of employees. The Board shall have full power and authority, either by any member of the Board or by any duly authorized representative, to inspect and examine any and all books, pay-rolls, and other records of any employer that in any way appertain to or have any bearing upon the question of wages, hours, or conditions of labour and employment of any employees, and to take extracts from or make copies of any entries in such books, pay-rolls, and records, and to require from any employer full and true statements of the wages paid to his employees and the hours and conditions of labour and employment of such employees. A register of the names, ages, and residence address of all employees shall be kept by employers.

7. If, after investigation, the Board shall find that in any occupation, trade, or industry the wages paid to employees are inadequate or the hours of labour are ex-

cessive, the Board is empowered to call a conference composed of an equal number of representatives of employers and employees in the occupation or industry in question, together with one or more disinterested persons representing the public; but the representatives of the public shall not exceed the number of representatives of either of the other parties; and a member of the Board shall be a member of such conference and chairman thereof. The Board may make rules and regulations governing the selection of representatives and the mode of procedure of said conference, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of said conference. On request of the Board, it shall be the duty of the conference to recommend to the Board an estimate of the minimum wage proper in the occupation or industry in question, and adequate to supply the necessary cost of living, and also, when so requested, to recommend the maximum hours of labour proper in the occupation or industry. The findings and recommendations of the conference shall be made a matter of record for the use of the Board.

8. (1) [As amended, Statutes 1921, Ch. 40.]

Upon the receipt of such recommendations from a conference, the Board shall review the same, and may approve any or all of such recommendations, or it may disapprove any or all of them and recommit the subject of the recommendations disapproved of to the same or a new conference. After such approval of the recommendations of a conference the Board shall issue an obligatory order specifying the minimum wage for employees in the occupation affected and may also specify such maximum hours of labour and such conditions of labour and employment as are deemed necessary or expedient for the welfare of the employees.

(2) Where by any order heretofore or hereafter issued by the Board under this section in respect of any occupation, trade, or industry a minimum wage for in-

experienced employees is fixed at a rate less than the minimum wage fixed by the order for experienced employees, no employer in that occupation, trade, or industry shall hereafter employ any employee over eighteen years of age at a wage less than the minimum wage so fixed for experienced employees, unless the employee is the holder of a license under section 10, and is employed in conformity with the provisions of that section. (Page 413.)

10. (1) [Amendment, Statutes 1921, Ch. 40.]

In the case of women who are physically defective, and in the case of female apprentices over eighteen years of age in any occupation in which apprentices are usually employed, the Board may in respect of any occupation, trade, or industry as to which a minimum wage has been fixed issue to any such woman or apprentice a special license authorizing her employment in that occupation, trade, or industry at a minimum wage, to be fixed in the license, less than the minimum wage fixed for that occupation.

(2) In the case of women over eighteen years of age who are desirous of learning any occupation, trade, or industry in respect of which a minimum wage has been fixed, and in which apprentices are not usually employed, and who have not had sufficient experience, in the opinion of the Board, or as defined in any order of the Board relating to that occupation, trade, or industry, to qualify them as experienced employees therein, the Board may in respect of that occupation, trade, or industry issue to any such woman a special license authorizing her employment in that occupation, trade, or industry at a minimum wage according to the rate fixed in the order for inexperienced employees, or, if no rate has been fixed therein for inexperienced employees, at a minimum wage, to be fixed by the Board in the license, less than the minimum wage fixed for that occupation, trade, or industry.

(3) Every special license under this section shall be issued only in the discretion of the Board, and in cases where the Board is satisfied that the application therefor is made in good faith, and shall remain in force for such period as is fixed by the Board.

(4) The number of employees holding special licenses under this section employed in any plant or establishment shall not exceed one-seventh of the whole number of the employees in that plant or establishment: Provided, that in any plant or establishment where less than seven employees are employed one employee holding a special license may be employed.

(5) The aggregate number of employees holding special licenses under this section and employees under eighteen years of age employed in any plant or establishment shall not exceed thirty-five per centum of the whole number of the employees in that plant or establishment.

15. This Act shall not apply to farm-labourers, fruit-pickers, or domestic servants or their employers.

[Assented to April 23, 1918.]

Manitoba.

The Minimum Wage Act, 1918 (*Chapter 38.*) *Amended in 1919* (*Chapter 54*).

2. (e) "Employee" means and includes every female worker employed in any mail order house, shop, office, place of amusement, or factory in any city in Manitoba who is in receipt of or is entitled to compensation for labor performed for any such employer.

(f) "Shop" means and includes any barber shop and any building or portion of a building, booth, stall or place where goods are exposed or offered for sale by retail and without limiting the generality of the foregoing means and includes all places where the trade or business carried on is that of a tobacconist, news-agent, messenger service, hotel, inn, tavern, victualling house, restaurant, or refreshment house, and sale by retail shall be deemed to include sale by auction.

3. (1) For the purpose of this Act there is hereby created a board, to be called "The Minimum Wage Board," to be appointed by the Lieutenant-Governor-in-Council, on the recommendation of the Minister, and to consist of five persons as follows:

(a) Two representatives of employers, one of whom shall be a female.

(b) Two representatives of employees, one of whom shall be a female.

(c) One disinterested person to be chairman of the Board, who shall not be directly or indirectly connected with employers or employees.

4. The said Board is hereby authorized and empowered to ascertain and declare, and to make all necessary orders relative to:

(a) Standards of minimum wages for employees, and what wages are adequate to supply the necessary cost of living to employees, and maintain them in health.

(b) Standards of hours of employment for employees, and what are reasonable hours for employees in any occupation within the meaning of this Act.

(c) Standards of conditions of labor for employees, and what surroundings or conditions, sanitary or otherwise, are essential to the health or morals of employees in any such occupation.

9. The Board may at its discretion make an order extending the provisions of this Act to any portion of Manitoba not in any city, and any such order when made shall have the same force and effect as if such portion of Manitoba were part of a city.

[Assented to March 6, 1918.]

Nova Scotia.

Minimum Wage for Women Act, 1920. (*Chapter 11.*)

AN ACT to provide for fixing a minimum wage for women employed in factories and shops.

2. In this Act unless the context otherwise requires—

(e) the expression "Employee" means any female person who is in receipt of or who is entitled to any compensation for the labour or services performed in a factory or shop;

3. (1) There shall be a board to be called "The Minimum Wage Board."

(2) There shall be five members of the Board, two of whom shall be females.

(3) The members of the Board shall be appointed by the Governor-in-Council and may be paid such compensation for their services and expenses as the Governor-in-Council determines.

4. (1) The Board shall have authority—

(a) to ascertain and declare what wages are adequate to furnish the necessary cost of living to employees and where not inconsistent with the provisions of the Nova Scotia Factories Act or Chapter 124 Revised Statutes, 1900, what are reasonable hours and proper sanitary conditions and requirements for those employed in factories or in shops, or in any particular factory or in any particular shop, or in any class of factories or in any class of shops;

(b) to establish standards of minimum wages and of hours of employment for such employees;

(c) for the purpose of this section to make all necessary orders.

11. Every employer who employs an employee at less than the minimum wage to which she is entitled, or

who violates any other provision of this Act, or of any order or regulation of the Board shall be liable on summary conviction to a penalty of not less than $25.00 and not more than $100.00.

14. This Act shall apply only to the Cities and Incorporated Towns of Nova Scotia, but from time to time the Governor-in-Council on the recommendation of the Board may order that this Act shall apply to any portion of the Province outside of a City or Incorporated Town, and thereupon, this Act shall apply to the portion of the Province mentioned in such order.

15. This Act shall come into force on, from and after and not before such day as the Governor-in-Council orders and declares by proclamation.

[Passed May 15, 1920.]

Ontario.

The Minimum Wage Act, 1920. (*Chapter 87.*) *Amended in 1921* (*Chapter 78*) *and in 1922* (*Chapter 91*).

2. (d) "Employee" shall mean and include every female person in any trade or occupation in Ontario who works for wages;

3. For the purposes of this Act there shall be established a board composed of five persons, two of whom shall be women, appointed by the Lieutenant-Governor in Council, and the board shall be a body corporate under the name of "The Minimum Wage Board."

11. [As Amended Statutes 1922, Ch. 91.]

The Board shall have authority to conduct such investigations as it may deem necessary for the purpose of ascertaining the wages, hours and conditions prevailing in any class of employment, and for this purpose shall possess all powers that may be conferred upon a Commissioner under *The Public Inquiries Act.*

12. [As Amended Statutes 1922, Ch. 91.]

(1) After due inquiry, the board may establish a minimum wage and the maximum number of hours per week for which such minimum wage shall be paid. The board may also establish a rate of wage for all time worked in excess of the established maximum number of hours per week.

(1-a) A wage lower than the minimum wage may also be established by the board for employees classified as handicapped or part time employees or as apprentices.

(2) The board shall have power upon petition of employers or employees, or upon its own motion, to temporarily suspend or vary any of its orders, or to revise them in accordance with special or changed conditions in any industry or establishment.

(3) The board shall have the power to make different orders for the same industry or industries in different localities of the province, when in the judgment of the board different conditions in different localities justify such action.

13.—(1) Where it is made to appear to the board that the scale of wages or the method of determining the same, payable to any class of employees, is inadequate or unfair the board may direct a conference between representatives of employers and employees in the class of employment in question for the purpose of reaching an agreement and recommending to the board minimum wages to be payable in that class of employment.

(2) The board may provide for the selection of such representatives by the employers and employees respectively, but every conference shall consist of an equal number of representatives of employers and employees respectively.

14.—(1) The board shall appoint a disinterested person to be chairman of the conference.

(2) The chairman shall not vote in the conference but may advise and direct the representatives of the conference as to their procedure and shall to the best of his ability assist the conference in arriving at a just conclusion.

15. The conference shall, forthwith, proceed to the investigation and discussion of the matters at issue and for this purpose the majority of the members, exclusive of the chairman, shall constitute a quorum.

16. The conference shall report its conclusions to the board in writing, signed by the chairman, but a minority of the members of the conference may make a separate report to the board. Failure of the conference to come to an agreement touching the matters in dispute shall be reported by the chairman of the conference to the board.

17. Upon the receipt of the report of the chairman of the conference the board with or without further enquiry

or investigation, may, by order in writing signed by the chairman of the board:

(a) Remit the matter of difference to the same or a new conference for consideration;

(b) Or forthwith establish a minimum wage in the class of employment in question.

22. (1) Every employer who contravenes an order of the board by the payment of wages of less amount than that fixed by the board shall be guilty of an offence and shall incur a penalty not exceeding $500 and not less than $50 for each employee affected, and in addition thereto shall upon conviction be ordered to pay to such employees the difference between the wages actually received and the minimum wage fixed by the board.

[Assented to June 4, 1920.]

Quebec.

The Woman's Minimum Wage Act, 1919. (*Chapter 11.*)

2. This Lieutenant-Governor in Council may appoint, under the direction of the Minister of Public Works and Labour, a commission consisting of three members, one of whom shall be the Deputy Minister of Labour or any other person designated by the Minister and who shall be the chairman thereof, and the two others shall be appointed by the Lieutenant-Governor in Council during good pleasure. One of such members may be a woman. Two members of the commission shall be a quorum.

4. The jurisdiction of the commission shall extend to all the industrial establishments of the Province as defined in articles 3829 and 3830 of the Revised Statutes, 1909.

6. If the commission is of opinion that the wages or salaries paid in an industrial establishment coming within the purview of this act, are insufficient, it may convene in a conference a number of persons who shall be selected one-half by the employers and one-half by the employees, and add a number of disinterested persons to it. One of the members of the commission shall form part of such conference and preside at the same.

After hearing the employers and employees, such conference shall, by the vote of the majority of the members constituting it, determine the minimum wage to be paid to the women employed in the special industry in question.

The commission may enact such rules as it may deem necessary regarding the selection of the members of the conference, and may determine the procedure to be followed thereat.

7. The decision of the conference shall be submitted to the commission, which may approve, reject or amend the same. It may order the holding of a new conference.

The decision of the commission fixing a minimum wage shall be binding upon employers and employees.

12. Every employer who employs a woman at wages lower than those fixed under the provisions of this Act, after the decision of the commission has come into force, shall incur a penalty of not more than fifty dollars, recoverable on summary conviction before any court of competent jurisdiction.

[Assented to March 17, 1919.]

Saskatchewan.

The Minimum Wage Act, 1919. (*Chapter 84.*) *Amended, 1919-1920* (*Chapter 78*), *and 1921-1922* (*Chapter 72*). *Revised Statutes, 1920* (*Chapter 186*).

2. (2) "Employee" includes every female worker employed in a shop or factory in any city in Saskatchewan who works for hire:

3.—(1) There shall be a board, to be called the "Minimum Wage Board," to be appointed by the Lieutenant-Governor in Council and to consist of five persons, two of whom shall be females.

4. [As amended, Statutes 1921-1922, Ch. 72.]

(1) The board shall have authority:

(*a*) to ascertain and declare what wages are adequate to furnish the necessary cost of living to employees; and, subject to the provisions of *The Factories Act,* what are reasonable hours and proper sanitary conditions and requirements for those employed in any occupation to which this Act applies;

(*b*) to establish standards of minimum wages, of hours of employment and, subject to the provisions of *The Factories Act* and of *The Public Health Act,* of sanitary conditions and requirements for such employees, to determine what number or proportion of the employees in a shop or factory may be apprentices, and for the purposes of this section to make all necessary orders.

12. An employer who violates the provisions of this Act or of any order or regulation of the board, shall be guilty of an offence and liable upon summary conviction before a police magistrate to a fine of not less than $10 nor more than $100, and in default of payment to imprisonment for not less than ten days nor more than three months.

14. This Act shall apply to the cities of Saskatchewan, but the board may at its discretion make an order extending its provisions to any portion of the province not contained within a city, and thereupon the Act shall apply to the prescribed area in all respects as if it were part of a city.

[Assented to February 5, 1919.]

Addenda to extracts from Canadian minimum wage laws.

Power conferred on government officials:

To issue special licenses to defective women and apprentices: Alta., Sec. 6, 16 (b); B. C., Sec. 10 (1), (2), (3); Man., 10; N. S., 9; Ont., 18 (e); Que., 9; Sas., 9.

To limit number of special licenses: Alta., 16 (b); B. C., 10 (4), (5); Ont., 18 (e).

To investigate for compliance: Alta., Sec. 12; Man., 13; Sas., 13.

To compel attendance of witnesses: Alta., Sec. (e); B. C., 6; Man., 7 (a); N. S., 6; Que., 5; Sas., 5 (a).

To examine under oath: Man., 7 (a); Sas., 5 (a).

To compel production of records: Alta., Sec. 16 (a); Man., 7 (b); N. S., 7; Ont., 18 (d); Que., 5; Sas., 5 (b).

To examine records: Alta., Sec. 15; B. C., 5; Man., 11; Que., 4.

To require registry of employees: Alta., Sec. 15; B. C., 5; Man., 11; N. S., 8; Sas., 8.

To require posting of notices: B. C., 8; Ont., 21; Que., 7.

Powers, privileges and immunities of commissioners appointed under the Public Inquiries Act, 1919: B. C., Sec. 6; N. S., 5; Ont. 11.

Penalties to employers for contravention of the law: Alta., Secs. 11, 12 (2), 14 (2); B. C., 12, 13; Man., 17; N. S., 11; Ont., 22; Que., 12; Sas., 12.

Liability of employers because of discrimination against employees: Alta., 14; B. C., Secs. 12, 13; Man., 16; N. S., 10; Sas., 11.

Employees' right to recover back wages from employers: B. C., Sec. 14; Man., 14; N. S., 12; Que., 11; Sas., 10.

4. In Other Foreign Countries.

Minimum wage legislation in other foreign countries, the Argentine, France and Norway, is aimed to prevent sweating in home work.

(1) In the Argentine.

Great Britain. Labour Gazette. Trade Boards in the Argentine. New Law. [Fall 1918]. February, 1919.

The law applies to all persons without distinction of sex (other than domestic servants) "who execute at home habitually or vocationally, work or manual labor for other person's account."

Trade boards are to be set up by the National Department of Labour for every industry in which home workers are employed in towns. The trade boards are to be composed of equal representatives of the employers and of the work people. . . . When the trade boards are considering the determination of a minimum rate of wages they are to take into consideration the nature of the work, the price paid locally for the article manufactured, the minimum wage received by the work people in the factories of the district which produce the same or a similar article, local habits, house rents and the prices of food in the district; and the value of the commodities or tools necessary to the worker to carry on his employment. Every owner . . . who employs outworkers is to keep a register of them, which is to be open to inspection. (Page 43.)

International Labour Office. International Labour Review. Geneva. April, 1922.

II. The Labour Code of Salta (Argentine Republic).

The Federal Government of the Argentine Republic had already enacted legislation relating to the employment of women and children (Act No. 5291 of 1907)[41] and

[41] English translation in *Bulletin of the International Labour Office* (Basle), 1908, Vol. III, p. 27.

to industrial accidents (Act No. 9688 of 1915)[44], but under the constitution it is left to each Province individually to adopt these measures as a whole or in part to suit the conditions prevailing in the different districts. Up to the end of 1915 the Province of Salta had adopted only the regulations concerning the notification of accidents[45], but on 7 May, 1921, a labour code incorporating the majority of these provisions and further dealing with hours of work, the minimum wage, contracts of work, etc., was adopted by the Legislature of this Province on the proposal of the Executive, under the title of Guemes Act[46]. (Page 669.)

The payment of a fixed minimum daily wage to adult workers is compulsory (§ 28). This varies according to the district and amounts to 4 pesos in the capital of the province, 3 pesos in industrial and agricultural districts, and 2 pesos in certain specified districts, plus an increase of 50 centavos in cattle-breeding areas. These scales of payment do not apply to persons engaged in domestic service (§ 29). (Page 670.)

(2) In France.

U. S. Department of Labor Statistics. Monthly Labor Review. Minimum Wage Law in France. December, 1915.

France adopted the principle of the minimum wage by enacting a law on July 10, 1915, providing for the fixing by special boards of such a wage for women employed in home work in the clothing industry. The law was enacted unanimously by the Senate and the Chamber of Deputies. Its origin [is due] to sweating women in home work; and [the Minister of Labor states] although partly a war measure it is nevertheless a piece of permanently valuable legislation.

The law applies more particularly to the execution of work at home in the manufacture of clothing, hats, boots,

[44] Text in *Boletin del Departamento nacional del Trabajo*, 1918, p. 137.
[45] See *Boletin del Departamento nacional del Trabajo*, 1918, p. 131.
[46] Text in *Cronica Mensual del Departamento nacional del Trabajo*, 1921, p. 701.

and shoes, white goods, embroidery, lace, feathers, and artificial flowers. The application of the law [may be extended] to other trades by a ministerial order.

The law provides for the establishment of special wage boards in the principal town of each Department [unless] councils of labor [exist] consisting of [elected] employers and employees in equal number.*

Three steps in the establishment of the minimum wage are to be noted: (1) The determination of the customary or ruling rates of wages which can be earned by a woman of average capacity working 10 hours per day by the labor council or special wage board; (2) determination of the minimum time required . . . to make a completed article by a special board of trade experts; (3) the final fixing by employers of the resulting rates for the particular piece of work to be executed by the home worker. (Pages 36-37.)

(3) In Norway.

U. S. Department of Labor Statistics. Monthly Labor Review. Minimum Wage Legislation in Norway. September, 1918.

A law of February 15, 1918, which took effect July 1, creates for Norway a home workers commission or board. The fact that the law continues in effect only five years—*i. e.*, to June 30, 1923—suggests the experimental nature of the legislation. The commission is composed of a non-partisan chairman and vice-chairman and at least two additional members, but not more than four, representing equally workers and employers in the trades within the scope of the act. Women may be appointed to membership by the Crown equally with men. Special wage boards are to be established in the trades covered whenever the commission deems it advisable or upon request of at least six workers or employers in any trade. These wage boards may be appointed for a single trade, for the

*Wage boards were established in 22 departments and minimum wages determined. (U. S. Dept. of Labor. Monthly Labor Review. Vol. 3. No. 3. Sept., 1916. P. 7)

related branches of a trade, for a locality, or for a group of localities.

The home workers commission is given authority to investigate and study labor conditions in all places where home work is carried on, to recommend legislation, and to fix minimum wages in certain limited occupations. The authority of the commission in the matter of fixing minimum wages is limited to home work in the manufacture of clothing and articles of needlework. Subsequent governmental regulations will define such trades, and may also add other trades and occupations. If the home workers commission finds wages inadequate in any of the trades specified it appoints a wage board to fix minimum wages, and the award of such board is subject to modification and revision by the commission before being published and put into effect. The rates may be revised at any time during the continuance of an award if it is found that the award is adversely affecting the workers in a trade or if home work is being displaced as a result of the award.

In fixing minimum rates consideration is to be given to the customary rates in any locality for the same or similar work, and the existing relationship between the rates in factory and home work so that factory work may not come to displace home work. The earnings of a worker of average ability are to be taken as the standard. Piece rates may also be fixed by wage boards.

Every employer and intermediary is required to keep a separate register of home workers employed, the list to be filed each year with the local inspecting authorities and with the commission. (Pages 204-205.)

PART THIRD

THE NEED FOR MINIMUM WAGE LEGISLATION FOR WOMEN IN THE DISTRICT OF COLUMBIA AND GENERALLY IN THE UNITED STATES.

1. The Wages of Women.

(1) In Certain Industries and Occupations the Level of Wages Is Below the Cost of Living.

Recent authoritative statistics show that in certain industries, the average wage is too low to maintain the workers in health judged even by the most meagre standard. In these low paid industries some workers earn a living wage but their number is inconsiderable.

In the more skilled industries certain occupations do not pay a living wage, for example, stemming and stripping tobacco and banding cigars, quilling and winding silk, and machine operating on house dresses.

In certain states or cities wages are low in skilled occupations which ordinarily command the best wages.

District of Columbia.

Senate. Sixty-fifth Congress, Second Session. Report No. 486. Minimum Wage. Submitted by Mr. Hollis, from the Committee on the District of Columbia.

The Need.

Owing to the increasing cost of living during the past few years, Congress has judged it wise to raise the

salary scale of the Government employees, and a bill providing further increases is now pending. The wages of women and girls in general occupations, however, have not been proportionately increased; in fact, have only slightly risen.

A large proportion of working women in the District of Columbia are now living on wages which do not come up to the reasonable standard set in this bill; that is, to supply the necessary cost of living to maintain them in health and to protect their morals.

In making this statement we do not speak without facts, but quote the figures of the Federal Bureau of Labor Statistics in its investigation of the cost of living in the District of Columbia.

Of 600 women employed in stores, factories, laundries, etc., almost half (46 per cent) were earning less than $8 per week; over half (53 per cent) were earning less than $9 per week; and 64 per cent were earning less than $10 per week.

Meanwhile the cost of living rises steadily. The retail price of food rose 30 per cent between 1916 and 1917. Food which cost $1 in 1913 cost $1.46 in 1917.

This great increase obviously has a vital effect on the standards of living of all classes, and hence of the working girl or woman, whether she lives alone or with her family.

Of the 600 women investigated in 1917, 186, or 31 per cent lived away from home, 55 per cent were entirely self-supporting, and 128, or 21 per cent, had others wholly or partly dependent upon them. They were not inexperienced workers, for of the 316 receiving less than $9 per week, 145, or 46 per cent, had been working more than five years. (Pages 2-3.)

The Pin-Money Fallacy.

Another fallacy disproved by investigation in many States and in the District of Columbia is the so-called

"pin-money" theory that girls and women do not need to work and hence may be paid any wage, however low. These investigations prove that an ascertained proportion of wage-earning girls and women work to support themselves alone away from home (31 per cent of the 600 interviewed in the District of Columbia belong to this class); that another group lives at home but is self-supporting (55 per cent of the 600 interviewed in the District); and that another group is not only self-supporting but has others dependent upon them (21 per cent of the District of Columbia workers belonged in this class).

Hence obviously the level of wages must be sufficient at least for decent self-support and must not be dragged down by the wholly negligible proportion of working women who are not in need of wages. (Page 5.)

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Review. January, 1918. Cost of Living in the District of Columbia.

Fourth Article—Wage-Earning Women: Who They Are and What They Do.

As a part of the cost of living study in the District of Columbia for the year 1916 a special study was made of wage-earning women. This special study was made for the purpose of finding out how working women live, with special reference to the manner in which they apportion the expenditure of their incomes as between food, clothing, room rent, and the other items of expense. The study was confined to women receiving incomes less than $1,100 a year. (Page 1.)

It is of immense importance to know how these women live, whether they live at home or away from home, whether their meager earnings are supplemented out of the general family funds or whether their earnings must support the wage earner and help out the insufficient income of the family, and whether they obtain sufficient nourishment, clothing, and the other essentials

to enable them to live healthy and comfortable lives. Of course in some instances women receiving higher incomes have such demands to meet as force them down to or below the "poverty line." Also it may be argued that the extravagance of the better paid women workers is as significant, economically and socially, as the rigorous economy of the poorly paid women. For the purpose of this study this argument is of no importance.

In the selection of women workers to furnish the information required in this study the effort was made to obtain a fair representation from the various industrial employments open to women in the city of Washington. No occupations, except those of trained nurse, domestic servant, and washerwoman, were excluded.

Except in a few very unusual cases, such as protracted illness, no woman was included who had not worked during at least nine calendar months of the year 1916, unless the occupation was seasonal in character and so failed to furnish nine months' employment during the year. Thus the merely occasional or intermittent workers were excluded, and the study limited to women who were regularly engaged in wage-earning employments.

This study is based upon schedules for the year 1916, secured through personal visits and interviews by agents of the bureau. These interviews were obtained either at the girl's home or her place of employment, in the latter case through the cooperation of her employer, who allowed her to be questioned during working hours. In almost all instances the women visited were willing to give the desired information. In the final tabulation of results only those schedules were used in which the information obtained was believed to be complete and accurate.

The total number of schedules thus obtained was 676, of which 600 were from white women and 76 from colored women. The present article is concerned solely with the former group, inasmuch as the industrial employment and living conditions of the two races were

found to be too dissimilar to permit of combined treatment. Also, it is to be noted that this article is limited to a general consideration of the personal and working conditions of the 600 white wage-earning women. (Pages 1-2.)

Industries and Occupations Represented.

The employments engaged in by the 600 women were as follows: United States Government employees, 63; office clerks, stenographers, and cashiers in private employment, 172; saleswomen, 192; telephone operators, 38; factory workers, 95; waitresses in hotels and restaurants, 12; and laundry workers, 28.

The employments here represented may be taken as fairly typical of woman's work in the District of Columbia, although the numbers shown are not necessarily proportionate to the total numbers engaged in the several industries. This is particularly true of the employees of the Federal Government, as no effort was made to cover at all fully the better paid Government employees. Of the 63 for whom schedules were obtained the majority were operatives and printers' assistants at the Bureau of Engraving and Printing. The others were clerks and stenographers in various departments, employees of the Congressional Library and Capitol, and one charwoman. Two school-teachers and one librarian employed by the District of Columbia are also here included as Government employees.

As regards the factory work covered, a word of reminder is necessary. Washington is unique among the large cities of the country in having very few manufacturing industries. Those existing are mostly small, and, altogether, employ comparatively few persons. The women here classed as factory workers represent a number of miscellaneous trades—box making, cigar manufacture, candy making, tailoring, printing, and publishing. A number of seamstresses and milliners are also included in this group. (Pages 2-3.)

Race, Marital Condition, Age, and Experience.

As practically all of the women covered were either native Americans or of English-speaking families of long residence, no racial separation seemed necessary. The race factor, indeed, except that of white and colored, seems to be of very little significance among the wage-earning women of the District, either as regards wage-earning capacity or as regards living conditions.

As regards marital condition, 542 of the 600 women were single, while 58 had been married and were either widowed, divorced, or separated at the time of the investigation. It is interesting to note that 15 of the 58 married women had children dependent on them for support.

In the matter of age there was a wide distribution. None was under 16 years of age, and only 26, or 4 per cent, were between 16 and 18 years, whereas 142, or 24 per cent, were between 18 and 21, and 432, or 72 per cent, were 21 years of age or over. There were 144, or 24 per cent, 30 years old and above. One very interesting case was that of a woman of 75, so crippled with rheumatism that she could not get out without great difficulty, trying to save herself from dependence by doing dressmaking.

Also, these women were not beginners in industry. Not less than 62 per cent had been wage earners for at least five years, and as many as 5 per cent had been wage earners for 20 years or more.

Annual Income.

The lowest income received by any of these workers was $130.50 per year. This was received by a sales girl, age 17, her maximum wage being $4 per week, and 10 weeks being lost through inability to find work. There were only two other girls who had received less than $150 per year. But 274, or 46 per cent of the total, received under $400 per year—approximately $8 per week—and 381, or 64 per cent, received under $500 per year

—approximately $10 per week. Only 35 women, or 6 per cent, received as much as $800 a year—approximately $16 per week.

The following table shows the distribution of the 600 women by annual income and age groups. The annual income here referred to is the total amount of money income received during the year. Gifts of new articles were credited as money income, but no other gifts except actual money were so included. In all cases the earnings from labor constituted the major part of total income, but in a limited number of cases money gifts from parents and relatives, and returns from savings and investments were of considerable importance. (Pages 3-4.)

Age and Annual Income.

Annual Income	Total	Under 18	18 and under 21	21 and under 25	25 and under 30	30 and under 40	40 and over
Under $300	133	21	53	25	9	8	17
$300 and under $400	141	3	53	51	14	13	7
$400 and under $500	107	1	14	33	29	14	16
$500 and under $600	88	1	9	32	28	15	3
$600 and under $700	53	.....	7	15	13	13	5
$700 and under $800	43	.....	3	5	18	11	6
$800 and under $1,100	35	.....	3	6	10	14	2
Total	600	26	142	167	121	88	56

(Page 4.)

Wages and Years of Service.

The present study was not a wage investigation.[1] It was concerned primarily with the cost and manner of living of working women, and here the determining factor is the total amount of annual income, not the daily or weekly wage rate.

Nevertheless the wage rates at which this group of 600 women were working are very significant, and particularly so when studies in relation to the number of

[1] An investigation of hours, earnings, and duration of employment of wage-earning women in the District of Columbia was made in 1913 by the Bureau of Labor Statistics. The results were published in Bulletin 116.

years at work. That an inexperienced girl or woman should start work at a low wage is not especially important, although the wage of apprentice girls should bear some relation to the cost of living. There is a widespread notion, however, that a woman who lives at home ought to be willing and grateful to work for wages insufficient to support a woman living independently of all family assistance. Aided and abetted by this hoary economic fallacy many parasitic industries and trades have been able to live and even to achieve much prosperity on the subsidies contributed by working women. It ought not to be necessary to point out, that no woman who is mentally competent and who has worked at an occupation long enough to acquire proficiency ought to be required or requested to work for a wage insufficient to enable her to live in reasonable comfort. Industries or occupations, if such there be, which can not live except on the subsidies from family incomes contributed by exploited women and child workers, ought to die—the sooner the better for the nation and the world at large.

It is therefore extremely significant to note that the majority of the women covered by this study were not only working at distressingly low wages, but that a very large proportion of them were women who had been wage earners for many years. Thus of a total of 600, 316, or 53 per cent, were receiving less than $9 per week at the end of the year 1916, and of these 316, 145, or 46 per cent, had been engaged at some gainful work for five years or more. Still more striking is the fact that of 80 women who had been at work for 15 years barely one-third were receiving as much as $12 per week. The detailed data on this point are shown in the following table, which gives the wage rates of women employees classified according to the number of years they had been working for wages. For convenience of comparison all wages and salaries are shown on a weekly basis. In this table the data are for all occupations combined. Data for separate employments are given in Table 2 at the end of this article. (Pages 6-7.)

Weekly wages	Total	Number of women working specified number of years for wages								
		1 and under 2	2 and under 3	3 and under 4	4 and under 5	5 and under 10	10 and under 15	15 and under 20	20 and under 30	30 and under 60
Under $6	89	24	16	13	10	15	3	2	3	3
$6 and under $7	84	9	15	13	11	23	7	5	.....	1
$7 and under $8	63	4	9	6	4	29	6	2	2	1
$8 and under $9	80	10	8	10	9	29	8	3	1	2
$9 and under $10	48	2	1	5	4	23	4	4	2	3
$10 and under $12	104	3	8	3	9	43	22	9	6	1
$12 and under $15	77	1	3	5	4	21	27	12	3	1
$15 and under $20	55	1	2	3	1	24	10	11	2	1
Total	600	54	62	58	52	207	87	48	19	13

District of Columbia. Minimum Wage Board. A Study of the Wages of Women Employed as Cleaners, Maids and Elevator Operators in Office Buildings, Banks and Theatres and as Car Cleaners in the District of Columbia. April and May, 1920.

Pay roll data were collected for a total of 604 women. Of these, 247 were employed as car cleaners by the rail transportation companies. Only two of these car cleaners received less than $18 a week; the majority, 83%, were rated at $21.60 a week. Taking as a standard the wages set by previous conferences these women were receiving more than a living wage. Hence for the purposes of this study they need not be considered further.

The body of this report is therefore limited to an analysis of the wages of 357 women, 310 of whom were employed in office buildings, banks and similar buildings, 261 as cleaners, 30 as elevator operators, 10 as forewomen or head cleaners and 9 as day-time maids or attendants, and 47 of whom were employed in theatres, 9 as maids and 38 as cleaners. (Page 1.)

Summary.

Pay roll data showed that of these 357 women, over one-fourth were paid less than $7 per week, one-half less

than $9 per week and nine-tenths less than $12 per week. In connction with these wage rates it should however be noted at the outset that the great majority of these women did not work the full number of hours common to women in other occupations. Approximately one-third of them worked less than 24 hours per week, one-half less than 36 hours per week and only one-fifth 42 hours or over. Obviously the short workday accounts in a measure for the low wages paid. But even when calculated on an hourly basis the rates are still low. Over one-fourth of the women concerned received less than 25¢ per hour—some being paid as little as 17¢—and two-thirds received less than 35¢ per hour. (Pages 1, 2.)

Table III. Number and Per Cent of Women Employed in Buildings and Theatres Receiving each Classified Hourly Rate, by Occupation.

Per Cent of Women With Hourly Rate of (Cumulative)—

Occupation	No. Investigated	Under 20c.	Under 25c.	Under 30c.	Under 35c.	Under 40c.	Under 45c.	Under 50c.	50c. and Over
Building Cleaners	261	16.1	28.7	38.3	69.3	97.3	97.3	97.3	2.7
Building Head Cleaners	10	.....	.....	.....	.....	30.0	40.0	40.0	60.0
Building Maids	9	66.7	100	100	100	100	100	100	.....
Building Elev. Operators	30	16.7	46.7	50.0	76.7	100	100	100	.....
Theatre Cleaners	38	.....	.....	.....	31.6	73.7	78.3	86.8	13.2
Theatre Maids	9	.....	22.2	22.2	77.8	100	100	100	.....
Total	357	14.8	28.0	35.3	65.0	93.3	93.9	95.0	5.0

(Computed.) (Page 7.)

Conclusion.

From the foregoing analysis of the wages of the 357 women employed as cleaners, maids and elevator operators in office buildings, banks, theatres, art galleries and similar institutions, certain conclusions may be drawn. If we start with the premise that every ordinary position should bring to the employee who holds it a wage at least sufficient to supply the necessities of

life, and, if we take as that minimum wage even the least sum arrived at by cost of living studies and by previous conferences held under the minimum wage law, then it must be concluded from a study of the pay roll records that practically all of the women included in this study, irrespective of occupation, were receiving less than a living wage.

On the other hand, however, it may be contended that an essentially part-time position which normally offers less than a full eight hours of work per day need yield as a minimum merely a wage which bears the same relation to a living wage as the number of hours worked bears to a full working week. On this basis the pay roll records and the estimates of the number of hours worked would show that only two-thirds of these women were receiving less than a living wage. (Page 10.)

Neither of these contentions is entirely sound. It would be more logical to take a position somewhere between these two extremes. For instance, if a woman works only four hours a day she has sufficient time left to make her own clothes, do her own laundry and even her own housekeeping. All this tends to decrease the expenditures necessary to maintain the proper standard of living. In this case, it may reasonably be argued that it actually costs a woman who works four or five hours a day less to live than it does one who works the full 48 hours a week. But this decrease in the cost of living of a woman working part time does not vary directly with the number of hours worked. The point is soon reached when no further reduction in cost can be made without undermining the standard of living. (Pages 10, 11.)

Back of the second contention, namely, that the wage paid should bear the same relation to the living wage as the number of hours worked bears to the full working week, lies the belief that a part time worker can secure other part time work sufficient to make up her full working week. It is no easy task to fit various part-time jobs in one with the other so as to make a consecu-

tive working day of eight hours. Either the working day is too short to yield the required minimum weekly wage, or too long to make for efficiency. Furthermore, it is rare that a worker can go directly from one job to another. Usually more or less time intervenes between the time of leaving one task and of beginning another. If only a few hours elapse, this time is practically wasted. A long period between tasks usually means broken hours of sleep and disorganized home life. Particularly is this true where one of the tasks is performed in the middle of the night. Even if the two or more jobs fitted in one with the other as to time, there would still be the loss of energy, money and time consumed in going from one place of work to the other. These difficulties attending the performance of more than one part-time job a day should be compensated for by a higher hourly rate where the employment offered is for less than the normal number of working hours. (Page 11.)

It should be remembered that two-thirds of the women included in this study would receive less than a living wage even if they secured additional employment sufficient to make up a full working day at similar rates of pay. If, bearing in mind that four-fifths of these women worked less than 42 hours per week, we accept the theory that part-time employment should be paid for at a higher hourly rate, then it must be conceded that considerably more than two-thirds of the women concerned received less than a living wage, the exact proportion depending upon the weight given the various factors considered above—too long or too short a working day, broken shifts, broken hours of rest, disorganized home life. (Pages 11, 12.)

But whether this theory is accepted or not, there can be no question but that a substantial number of the women employed as cleaners, maids, elevator operators in office buildings, banks, theatres and similar institutions in the District of Columbia were receiving less than a living wage. (Page 12.)

Nation-Wide Survey.

Bulletin of the United States Bureau of Labor Statistics, No. 265. Industrial Survey in Selected Industries in the United States, 1919. Preliminary Report. May, 1920.

This Bulletin contains a summary report on the wages and hours of labor in 28* industries included in the industrial survey undertaken by the Bureau of Labor Statistics at the request of the War Industries Board. (Page 5.)

In the selection of industries the greatest weight was given to the number of wage earners employed in them. (Page 6.)

In determining which States should be covered in any industry the choice was made on the basis of the importance of the State in the industry, and not on the basis of the importance of the industry in the State.

For each industry in each State a sufficient number of representative establishments was included to insure fairly typical results. (Page 7.)

[Wage earners] who, either because of their youth or inexperience or partial incapacity, were receiving a wage distinctly below the normal; [were not included]. (Page 9.)

The hours and earnings used in computing the tables are in all instances hours actually worked and earnings actually received by individual employees. No establishment was taken unless some way could be discovered of determining the amount of bonus to which the employee became entitled as a result of his labor during the pay-roll period for which his wages were ascertained; and the amount put down as his earnings for the period consists of his wages plus the bonus. (Page 10.)

In many cases the pay rolls did not give [the hours actually worked for each individual], and it was necessary to have recourse to the time cards, and to determine for each employee the total hours worked by him by

*In seven industries, as coal mining, brick making, logging, etc., no women's wages were reported.

adding the hours worked day by day through the pay-roll period.

No establishment was included in the survey unless the management kept for the Bureau by special arrangement a careful day-by-day record of the time worked by each piece-worker during the selected pay-roll period.

In a large proportion of the establishments the schedules were filled out for a single pay-roll period. In a few cases, where the bonus period extended over two or more pay-roll periods, schedules covering the entire bonus period were filled out.

Every effort was made to eliminate so far as possible the disturbing effect of this factor [i. e., changes in the intensity of productive activity] of the situation by scheduling only establishments running full time. . . . (Page 11.)

The figure selected [to present time worked] is one representing the average number of hours per day actually worked by each employee.

The method adopted . . . was to divide the hours worked by each employee by the number of week days, excluding holidays, in the pay-roll period of the establishment in which he was employed. (Page 13.)

[The average earnings per hour were] found by dividing the total earnings of each employee by the number of hours actually worked by him during the pay-roll period. (Page 18.)

The information here presented, summarizing as it does the wages and hours of more than 400,000* wage earners, may be relied upon as furnishing a picture of industrial conditions at the time of the survey which is entirely accurate in its general outlines and reasonably so even in minor details. (Page 19.)

(a) Showing average earnings of women workers throughout the United States in 21 industries.

Industry	No. of States	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Glass	9	1,903	7.3	$0.231	$10.12
Confectionery	19	11,176	7.4	.231	10.25
Furniture	12	915	8.1	.214	10.40
Boxes, paper	10	4,297	7.5	.242	10.89
Chemicals	16	710	7.5	.272	12.24
Overalls	19	6,439	6.7	.305	12.26
Hosiery and underwear	15	13,374	7.6	.286	13.04
Leather	8	1,054	6.9	.317	13.12
Pottery	4	1,115	6.8	.324	13.22
Paper and pulp	14	1,947	8.0	.278	13.34
Typewriters	10	3,433	7.8	.300	14.04
Foundries	11	83	7.1	.333	14.19
Electrical machinery	8	1,618	7.6	.322	14.68
Clothing, men's	9	9,725	7.3	.338	14.80
Cigars	10	11,278	7.6	.326	14.87
Rubber	9	3,420	7.6	.326	14.87
Iron and steel	2	159	6.1	.419	15.34
Silk	7	5,608	7.8	.335	15.68
Machine tools	6	154	7.7	.345	15.94
Clothing, women's	7	6,782	7.4	.368	16.34
Automobiles	7	622	7.8	.380	17.78
Total	32	85,812	7.5	$0.301	$13.54

(Computed.) (Page 38.)

*Only the wages of the 85,812 women are summarized here.

b. Showing the lowest paid occupations in the 21 industries.*

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Boxes, paper					
Turners-in	38	306	7.4	$0.191	$8.48
Laborers	26	221	7.0	.218	9.16
Closers and inspectors	37	338	7.3	.212	9.29
Gluers-off	40	247	7.5	.212	9.54
Strippers and top and bottom paperers	58	733	7.7	.242	11.18
Table workers	73	1,258	7.6	.250	11.40
Scrappers	15	145	7.4	.269	11.94
Stayers up	66	324	7.6	.262	11.95
Coverers	47	272	7.9	.268	12.70
Gluing machine	22	217	7.6	.283	12.90
Chemicals					
Laborers	30	710	7.5	.272	12.24
Cigars					
Stemmers or Strippers, hand	71	2,342	7.4	.201	8.92
Banders, hand	53	370	6.6	.256	10.14
Stemmers or Strippers, machine	44	381	7.4	.234	10.39
Clothing, men's					
Hand sewers, pants	42	440	7.2	.281	12.14
Clothing, Women's: Dresses and Waists					
Cleaners	22	104	7.3	.261	11.43
House dresses					
Operators, general	15	440	7.2	.281	12.14

*Occupations omitted for which the average earnings of less than 100 women were reported.

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Operators, special machine	14	103	7.7	.274	12.66
Confectionery					
Laborers	51	857	7.5	.203	9.14
Dippers, machine	68	1,296	7.3	.220	9.64
Packers	99	5,090	7.3	.224	9.81
Wrappers	62	1,253	7.5	.228	10.26
Candy makers' helpers	31	209	7.8	.230	10.76
Dippers, hand	94	2,386	7.4	.263	11.68
Electrical machinery, Apparatus and Supplies					
Inspectors	12	147	7.7	.279	12.89
Assemblers	22	708	7.8	.294	13.76
Furniture					
Laborers	35	301	8.0	.195	9.36
Sanders hands	36	248	7.9	.207	9.81
Finishers	34	204	8.1	.235	11.42
Machine hands	19	128	8.3	.235	11.70
Glass					
Labor, boy and factory	40	1,207	7.2	.219	9.46
Decorators	11	127	7.7	.246	11.37
Packers	21	478	7.4	.258	11.46
Hosiery and Underwear					
Inspectors, menders, folders	49	2,661	7.4	.267	11.85
Knitters, footers, toppers (hosiery)	21	1,095	7.6	.272	12.40
Pressers	15	188	7.4	.284	12.61
Winders	41	1,198	7.8	.274	12.82

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Loopers	29	1,499	7.3	.296	12.96
Button sewers	26	1,242	7.9	.276	13.08
Seamers	36	1,562	7.6	.287	13.09
Welters	17	334	7.6	.291	13.27
Knitters, web or tube (underwear)	22	295	8.0	.289	13.87
Finishers (underwear)	28	2,715	7.9	.297	14.08
Leather					
Heavy Upper					
Laborers	7	166	7.6	.272	12.40
Light Upper					
Seasoners	7	243	6.5	.284	11.08
Laborers	10	148	7.4	.299	13.28
Overalls					
Examiners	105	334	7.0	.286	12.01
Paper and Pulp					
Rag workers (paper)	18	400	7.7	.272	12.57
Sorters (paper)	22	559	8.0	.275	13.20
Plater girls (paper)	12	285	7.8	.282	13.20
Cutter girls (paper)	49	480	8.1	.276	13.41
Counters (paper)	34	196	8.2	.297	14.61
Pottery					
Laborers	15	681	6.5	.297	11.63
Rubber, footwear					
Laborers	5	669	8.3	.260	12.95
Rubber, mechanical goods and hose					
Laborers	10	499	7.3	.289	12.66
Silk					
Doublers, silk throwing	9	146	7.8	.225	10.53

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Quillers	26	441	7.8	.237	11.09
Reelers	12	116	7.5	.259	11.66
Winders	29	1,059	7.7	.265	12.24
Spinners	9	375	7.5	.275	12.38
Pickers, cloth	24	335	7.5	.298	13.41
Typewriters, Adding Machines and Cash Registers					
Inspectors (parts)	22	572	7.8	.275	12.87
Assemblers and welders (parts)	22	718	8.0	.282	13.54
Drill press hands and operators	22	547	7.7	.296	13.68

(Computed.) (Pages 76-82, 115, 120, 124, 125, 140, 158, 163, 187-191, 208, 211, 237-239, 257, 259, 266-269, 271-273, 337, 343, 422, 440-442, 450, 457, 467, 482, 483, 485, 503, 504, 506.)

c. Showing the marked difference between wage scales in different localities.

(a) In the lowest paid occupations.

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Boxes, paper					
Closers & Inspectors					
Illinois	5	30	8.0	$0.218	$10.46
Massachusetts	4	38	7.6	.267	12.18
Missouri	3	13	8.1	.201	9.77
New Jersey	3	12	7.4	.176	9.81
New York	6	187	7.2	.209	9.03
Ohio	4	17	6.4	.219	8.41
Pennsylvania	4	9	5.8	.176	6.12
Wisconsin	3	13	7.1	.155	6.06
Gluers-off					
Connecticut	2	5	7.2	.215	9.29
Illinois	3	29	8.0	.217	10.41
Massachusetts	5	57	7.5	.211	9.50
Michigan	2	6	7.1	.167	7.11
Missouri	2	6	7.4	.169	7.50
New Jersey	3	14	9.2	.192	10.60
New York	7	57	8.0	.236	11.33
Ohio	5	24	7.0	.237	9.95
Pennsylvania	3	4	8.3	.189	9.41
Wisconsin	3	23	8.1	.185	8.99
Laborers (set-up and folding)					
Illinois	4	17	7.6	.251	11.45
Massachusetts	2	18	6.5	.192	7.49
New Jersey	3	30	6.9	.233	9.64
New York	5	118	7.1	.222	9.46
Ohio	3	14	6.3	.177	6.69
Pennsylvania	2	11	5.9	.176	6.23
Turners-in (set-up)					
Connecticut	4	25	7.5	.194	8.73
Illinois	4	19	8.1	.173	8.41

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Massachusetts	4	37	7.1	.190	8.09
New Jersey.....	3	28	7.6	.179	8.16
New York.....	10	125	7.4	.202	8.97
Ohio	6	40	7.2	.196	8.47
Pennsylvania	3	13	7.1	.153	6.52
Cigars					
Stemmers or Strippers, hand					
Allentown	2	81	7.9	.215	10.19
Baltimore	5	38	7.4	.192	8.52
Binghamton	4	184	7.1	.216	9.20
Boston	2	94	6.5	.294	11.47
Chicago	5	98	7.4	.257	11.41
Cincinnati	3	45	6.3	.169	6.39
Cleveland	4	92	6.6	.244	9.66
Dayton	4	61	7.8	.194	9.08
Detroit	5	153	6.9	.256	10.60
Evansville	2	284	7.6	.151	6.89
Key West	4	157	7.2	.183	7.91
Lancaster	3	12	8.0	.199	9.55
New York.....	11	348	7.9	.233	11.04
Philadelphia	6	354	7.1	.188	8.01
Reading	4	78	7.1	.246	10.48
Tampa	6	258	8.2	.196	9.64
Other cities.....	1	5	9.0	.167	9.02
Confectionery					
Dippers, machine					
California	2	13	7.6	.206	9.39
Georgia	2	14	7.9	.196	9.29
Illinois	5	71	8.1	.211	10.25
Indiana	3	19	7.0	.163	6.85
Iowa	2	7	8.0	.278	13.34
Kentucky	2	37	7.8	.127	5.94
Maryland	3	43	7.6	.171	7.80
Massachusetts ...	6	473	6.7	.257	10.33

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Michigan	2	9	5.2	.191	5.96
Minnesota	4	18	7.5	.181	8.15
Missouri	7	117	7.9	.193	9.15
New York	8	230	7.2	.212	9.16
Ohio	8	75	6.6	.206	8.16
Pennsylvania	4	75	7.7	.210	9.70
Wisconsin	5	52	8.1	.193	9.38
Laborers					
California	3	9	7.2	.202	8.73
Illinois	4	134	8.0	.236	11.33
Indiana	2	10	7.4	.159	7.06
Kentucky	2	20	8.4	.134	6.75
Maryland	2	4	7.8	.171	8.00
Massachusetts	6	244	7.1	.209	8.90
Minnesota	2	3	5.0	.179	5.37
Missouri	5	71	7.9	.214	10.14
New York	5	112	7.8	.201	9.41
Ohio	3	17	6.7	.227	9.13
Oregon	2	13	7.1	.239	10.18
Pennsylvania	4	51	7.4	.215	9.55
Washington	2	11	7.7	.257	11.37
Wisconsin	5	122	7.6	.161	7.34
Packers					
California	9	189	7.0	.215	9.03
Georgia	2	55	8.0	.180	8.64
Illinois	8	681	7.9	.249	11.80
Indiana	3	45	7.5	.163	7.34
Iowa	2	21	6.8	.203	8.28
Kentucky	2	104	7.5	.138	6.21
Maryland	3	227	7.8	.182	8.52
Massachusetts	6	904	7.0	.258	10.84
Michigan	2	54	7.6	.211	9.62
Minnesota	4	128	6.5	.178	6.94
Missouri	7	434	7.3	.200	8.76
New Jersey	2	108	7.0	.207	8.69

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
New York.....	8	775	6.9	.221	9.15
Ohio	8	302	6.7	.217	8.72
Oregon	2	38	7.6	.283	12.90
Pennsylvania	12	560	7.4	.222	9.86
Tennessee	2	65	8.4	.163	8.22
Washington	4	56	7.3	.296	12.96
Wisconsin	7	213	8.2	.204	10.04
Wrappers					
California	6	142	7.3	.212	9.29
Georgia	2	22	8.3	.195	9.71
Illinois	3	64	7.6	.231	10.53
Indiana	3	37	7.9	.158	7.49
Iowa	2	15	8.2	.193	9.50
Massachusetts ...	4	267	7.3	.258	11.30
Michigan	2	8	8.1	.189	9.19
Minnesota	3	26	7.6	.207	9.44
Missouri	6	69	7.7	.222	10.26
New York.....	5	183	7.3	.212	12.79
Ohio	4	16	7.0	.209	8.78
Pennsylvania	8	230	7.2	.241	10.41
Tennessee	2	15	8.5	.187	9.54
Wisconsin	6	79	8.5	.193	9.84
Furniture Laborers					
Illinois	4	9	8.1	.245	11.91
Indiana	3	24	9.1	.183	9.99
Massachusetts ...	2	8	7.9	.198	9.39
Michigan	4	46	8.1	.226	11.47
Missouri	2	10	7.5	.195	8.78
New York	2	12	8.6	.223	11.51
Pennsylvania ...	6	47	8.1	.213	10.35
Tennessee	2	11	8.2	.166	8.17
Wisconsin	3	33	7.8	.155	7.25

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Sanders, hand					
Illinois	3	9	8.1	.266	12.93
Indiana	3	30	8.3	.158	7.87
Massachusetts	2	5	8.9	.218	11.64
Michigan	4	22	8.5	.245	12.50
New York	4	20	7.3	.210	9.20
Ohio	3	12	7.5	.230	10.35
Pennsylvania	6	63	7.8	.223	10.44
Tennessee	2	29	7.2	.157	6.78
Wisconsin	2	17	8.4	.176	8.87
Glass					
Labor, boy and factory					
Indiana	7	257	7.9	.207	9.81
New Jersey	2	50	7.0	.277	11.63
New York	2	15	8.7	.231	12.06
Ohio	4	205	6.9	.204	8.45
Pennsylvania	4	216	8.1	.199	9.67
West Virginia	3	73	6.5	.206	8.03
Silk					
Doublers, silk throwing					
Massachusetts	2	7	6.6	.248	9.82
New Jersey	4	33	9.0	.284	15.34
Pennsylvania	3	106	7.5	.205	9.23

(Computed.) (Pages 76, 78, 79, 82, 124, 189, 191, 238, 239, 258, 482.)

(b) In occupations in which the average hourly earnings were between $0.280-299.

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Boxes, paper					
Gluing Machine					
Connecticut	2	15	7.2	$0.278	$12.01
Illinois	2	24	8.1	.303	14.73
Massachusetts ...	2	14	6.2	.348	12.95
Missouri	3	5	8.2	.232	11.41
New Jersey.....	3	19	7.2	.224	9.68
New York.....	2	74	7.9	.341	16.16
Ohio	7	60	7.4	.214	9.50
Clothing, men's					
Hand Sewers, pants					
Baltimore	3	41	6.4	.405	15.55
Boston	6	19	7.2	.288	12.44
Buffalo	3	17	7.4	.229	10.17
Chicago	4	111	7.2	.286	12.36
Cincinnati	7	45	7.5	.228	10.26
Indianapolis	2	44	6.6	.240	9.50
New York.....	7	35	7.5	.316	14.22
Philadelphia	2	20	7.0	.225	9.45
Rochester	5	70	7.8	.317	14.84
St. Louis.....	2	35	6.6	.194	7.23
Electrical machinery, apparatus and supplies					
Assemblers					
Connecticut	4	157	8.2	.283	13.92
Indiana	2	38	7.4	.256	11.37
Massachusetts ...	3	88	7.6	.416	18.97
New York.....	5	133	7.8	.270	12.64
Ohio	2	21	7.6	.378	14.36

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Hoisery and Underwear					
Finishers (underwear)					
Connecticut	3	88	8.3	.248	12.35
Massachusetts ...	2	515	7.6	.348	15.87
New Hampshire..	2	109	7.9	.283	13.41
New York	3	164	8.0	.280	13.44
North Carolina...	2	146	9.1	.316	17.25
Ohio	2	101	7.4	.267	11.85
Tennessee	3	237	8.5	.218	11.11
Virginia	2	113	8.2	.233	11.46
Wisconsin	2	124	7.3	.264	11.56
Knitters, web or tube (underwear)					
Connecticut	3	27	8.2	.244	12.00
Massachusetts ...	2	41	7.6	.350	15.96
New Hampshire..	2	10	8.8	.270	14.26
New York	2	6	8.6	.333	17.18
Ohio	2	10	8.3	.239	11.90
Wisconsin	2	24	8.8	.316	16.68
Loopers					
Connecticut	3	68	6.4	.294	11.29
Indiana	2	121	7.7	.228	10.99
Massachusetts ...	2	369	5.9	.361	12.78
New Hampshire..	2	100	7.7	.344	16.58
North Carolina...	2	39	5.9	.241	8.53
Ohio	2	15	6.9	.255	10.56
Pennsylvania	3	237	8.1	.301	14.63
Tennessee	2	104	7.5	.231	10.40
Virginia	2	56	8.9	.310	16.55
Wisconsin	2	108	8.1	.289	14.05
Pressers					
Connecticut	2	2	8.3	.217	10.81
Massachusetts ...	2	71	7.3	.342	14.98

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Seamers					
Connecticut	3	30	7.8	.253	11.84
Indiana	2	71	7.5	.288	12.96
Massachusetts	2	287	7.7	.319	14.74
Michigan	2	71	8.5	.242	12.34
New Hampshire	3	54	6.9	.272	11.26
New York	3	135	8.2	.276	13.58
North Carolina	2	23	5.8	.220	7.66
Ohio	2	47	6.1	.269	9.85
Pennsylvania	2	97	8.3	.305	15.19
Tennessee	2	81	8.1	.206	10.01
Virginia	2	29	7.8	.244	11.42
Wisconsin	4	77	7.3	.298	13.05
Welters					
Massachusetts	2	154	7.1	.330	14.06
Illinois	2	32	7.6	.270	12.31
Pennsylvania	2	47	8.1	.243	11.81
Leather; light upper					
Laborers, all departments					
Delaware	2	12	6.6	.333	13.19
New Jersey	3	55	6.7	.269	10.81
Pennsylvania	3	31	8.4	.297	14.97
Seasoners					
Delaware	2	104	5.5	.267	8.81
New Jersey	2	94	7.1	.319	13.59
Pennsylvania	2	24	7.6	.302	13.77
Overalls					
Examiners					
California	4	24	7.8	.304	14.23
Georgia	4	12	7.4	.232	10.76
Illinois	6	22	6.8	.280	11.42
Indiana	9	31	7.3	.259	11.34
Iowa	8	16	7.7	.290	13.98

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Maryland	3	24	6.3	.227	8.58
Massachusetts	4	4	7.2	.312	13.48
Michigan	3	27	6.2	.334	12.42
Minnesota	5	8	7.8	.248	11.61
Missouri	6	16	6.6	.306	12.12
New Jersey	5	19	5.9	.309	10.94
New York	7	15	6.7	.324	13.02
Ohio	8	26	6.9	.268	11.10
Pennsylvania	2	7	6.9	.244	10.10
Tennessee	5	11	7.5	.272	12.24
Texas	6	11	7.2	.268	11.58
Wisconsin	5	5	6.5	.266	10.37
Paper and pulp					
Counters (paper)					
Maine	3	17	8.3	.304	15.14
Massachusetts	7	16	8.1	.335	16.28
Michigan	2	13	8.1	.258	12.54
New Jersey	2	8	9.0	.259	13.99
New Hampshire	2	7	8.5	.291	14.84
Ohio	2	13	8.2	.249	12.25
Pennsylvania	5	65	7.8	.324	15.81
Wisconsin	4	15	8.7	.268	13.99
Plater Girls (paper)					
Massachusetts	7	204	7.8	.288	13.48
Pennsylvania	2	39	8.0	.234	11.23
Pottery					
Laborers					
New York	2	162	7.1	.252	10.74
New Jersey	4	78	7.0	.298	12.52
West Virginia	4	189	6.4	.313	12.02
Ohio	5	252	6.1	.313	11.46
Silk					
Pickers, cloth					
Connecticut	2	30	6.6	.302	11.96
Massachusetts	2	74	7.5	.431	19.40

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
New Jersey.....	5	87	7.6	.279	12.72
New York.....	3	19	8.0	.261	12.53
Pennsylvania	4	57	7.2	.247	10.67
Rhode Island.....	3	29	7.6	.215	9.80
Typewriters, adding machines and cash registers					
Assemblers (part) and welders					
Connecticut	3	205	8.1	.311	15.11
Indiana	2	36	7.9	.290	13.75
Michigan	2	64	7.4	.293	13.01
New York.....	3	85	8.4	.328	16.53
Ohio	2	52	7.7	.323	14.92
Illinois	3	97	8.9	.249	13.30
Pennsylvania	2	65	6.0	.186	6.70
Drill-Press hands and operators					
Connecticut	2	57	7.8	.328	15.35
Indiana	2	14	7.2	.301	14.09
New York.....	3	116	7.9	.307	13.26
Ohio	2	103	7.8	.329	15.40
Illinois	3	53	8.9	.277	14.79
Pennsylvania	3	67	6.3	.218	8.24

(Computed.) (Pages 79, 140, 208, 267, 269, 271-273, 342, 343, 421, 440, 441, 450, 482, 503, 504.)

d. Showing that the level of wages in occupations with the highest average earnings is very low in certain localities.

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Cigars					
Bunch makers, hand (all)	43	1,670	7.8	$0.388	$18.16
Evansville	2	323	8.5	.270	13.77
Key West	2	24	8.0	.217	10.42
Rollers, hand (all)	44	2,964	7.5	.352	15.84
Evansville	2	659	8.4	.233	11.74
Unnamed city	1	64	7.7	.282	13.03
Rollers, suction (all)	21	1,658	7.7	.357	16.49
Dayton	2	151	7.1	.309	13.16
Clothing, men's					
Basters (hand), coats (all)	56	913	7.3	.356	15.59
Cincinnati	9	51	7.4	.269	11.94
Philadelphia	6	65	7.2	.297	12.83
Hand sewers, coats (all)	7	2,907	7.3	.334	14.63
Buffalo	5	70	7.5	.283	12.74
Cincinnati	10	214	7.4	.244	10.83
Indianapolis	2	116	7.6	.243	11.08
Philadelphia	10	187	7.5	.281	12.65
St. Louis	3	13	7.9	.256	12.13
Operators, coats (all)	60	2,086	7.3	.361	15.81
Cincinnati	10	208	7.4	.255	11.32
St. Louis	3	124	7.7	.264	12.20
Operators, pants (all)	52	1,432	7.3	.341	14.94
Buffalo	4	49	7.2	.253	10.93

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Cincinnati	11	159	7.1	.247	10.52
St. Louis	5	171	7.1	.291	12.40
Operators, vests (all)	37	544	7.3	.350	15.33
Buffalo	4	14	7.8	.233	10.90
Cincinnati	7	63	7.9	.210	9.95
Clothing, Women's: Dresses and Waists					
Drapers (all)	28	188	7.7	.470	21.71
St. Louis	3	15	8.4	.247	12.45
Finishers (all)	50	412	7.2	.345	14.90
Cleveland	6	61	7.2	.294	12.70
Philadelphia	8	30	7.2	.275	11.88
St. Louis	4	43	7.3	.199	8.72
Operators, general (all)	54	1,354	7.2	.473	20.43
St. Louis	2	43	7.6	.269	12.27
Operators, special machine (all)	38	306	7.3	.312	13.67
Chicago	5	35	7.5	.284	12.78
Cleveland	5	113	7.2	.257	11.10
St. Louis	5	43	8.3	.214	10.66
Pressers (all)	26	128	7.2	.372	16.07
Chicago	3	9	8.1	.288	14.00
Cleveland	2	42	6.7	.272	10.93
St. Louis	2	10	7.8	.205	9.59
Electrical Machinery					
Coil winders (all)	22	232	7.5	.337	15.17
Connecticut	2	17	8.8	.274	14.47
Indiana	3	15	1.7	.285	13.17
Ohio	2	8	7.4	.274	12.17

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Connectors and Insulators (all)	17	157	7.6	.335	15.28
Connecticut	2	10	8.2	.274	13.48
New Jersey	2	24	7.3	.206	9.02
Hosiery and Underwear					
Buttonhole makers (underwear) (all).	24	203	7.7	.317	14.65
Connecticut	3	7	8.3	.256	12.75
New Hampshire..	2	11	8.6	.275	14.19
Ohio	2	12	7.5	.264	11.88
Tennessee	2	15	7.6	.208	9.48
Cutters, hand (underwear) (all)	22	586	7.3	.313	13.71
Connecticut	3	10	8.6	.239	12.33
Ohio	2	15	6.8	.256	10.44
Tennessee	2	30	8.0	.220	10.56
Virginia	2	5	7.0	.235	9.87
Overalls					
Operators (all)	128	6,060	6.6	.306	12.12
Indiana	9	545	6.7	.258	10.37
North Carolina ..	2	171	6.8	.262	10.69
Ohio	2	62	8.5	.214	10.91
Tennessee	2	55	7.0	.214	8.99
Pottery					
Transferers (all) ..	14	372	7.2	.342	14.77
New York	2	109	7.7	.30	13.86
Silk					
Twisters in (all)...	9	53	7.6	.366	16.69
Pennsylvania	3	22	7.3	.277	12.13
Warpers (all).....	22	530	8.1	.362	17.59
New York.....	3	20	8.8	.278	14.68
Pennsylvania	4	110	8.1	.301	14.63

Occupation	No. of Establishments	No. of Employees	Average hours worked per week day	Average earnings per hour worked	Computed average earnings per week if 6 days were worked
Weavers, Broad silk (all)	24	2,189	8.0	.398	19.10
Pennsylvania	4	464	8.2	.278	13.68
Virginia	2	54	7.8	.307	14.37
Typewriters, adding machines and cash registers					
Assemblers, final and sectional (all)	21	337	7.9	.317	15.03
Illinois	3	49	8.9	.264	14.10
Pennsylvania	3	41	6.1	.230	8.42
Milling machine (all)	19	196	7.9	.338	16.02
Indiana	2	19	7.6	.271	12.03
Illinois	3	25	8.8	.288	15.21
Pennsylvania	2	15	6.8	.239	12.62
Punch-press (all)	13	274	8.0	.308	14.78
Illinois	2	38	9.1	.261	14.25
Pennsylvania	2	12	7.2	.266	11.49

(Computed.) (Pages 121, 123, 136, 139, 141, 159, 160, 161, 209, 265, 423, 451, 484, 485, 503, 508.)

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. Wages and Hours of Hotel and Restaurant Employees. September, 1919.

The survey includes 153 hotels and 258 restaurants. (Page 190.)

In the hotel and restaurant industry the daily rate of wages bears a fairly close relation to the actual earnings for each day worked, because of the comparatively small amount of overtime paid for in addition to the regular wage, and because of the prevalence of full-time work. In order to present all data in one table the weekly and monthly rates have been reduced to daily rates calculated as follows: Monthly rates of wages were divided by 30 and weekly rates by 6 or 7, according as the employee was paid on a 6 or 7 day basis. (Pages 194-195.)

Rate of wages per day for hotel and restaurant employees by occupation, room and meals.

Compensation Other Than Wages	Checkers		Cleaners		Cooks		Dishwashers		Helps' Hall Waiter	
	No.	Average Rate of Wages Per Day	No.	Average Rate of Wages Per Day	No.	Average Rate of Wages Per Day	No.	Average Rate of Wages Per Day	No.	Average Rate of Wages Per Day
Room and 3 meals	28	$1.54	258	$ .89	10	$1.52	109	$1.00	39	$1.00
3 meals	336	1.87	180	1.18	278	2.16	1,311	1.28	201	1.25
2 meals	57	1.88	161	.92	61	2.37	243	1.34	.....	.....
1 meal	3	1.27	114	1.25	.....	.....	49	.87	.....	.....
Nothing	3	2.58	439	1.39	.....	.....	12	1.46	.....	.....

	Kitchen Help		Linen Room Employees		Maids		Pantry and Counter Helpers		Waitresses	
Room and 3 meals	110	$1.11	242	$1.06	1,722	$0.84	153	$1.14	48	$1.09
3 meals	878	1.56	138	1.33	448	1.10	1,180	1.55	2,263	1.46
2 meals	116	1.34	9	1.47	65	1.11	331	1.59	824	1.40
1 meal	3	1.50	25	1.57	202	1.45	12	1.22	174	.87
Nothing	.....	.....	128	1.60	1,611	1.34	1	.25	34	1.30

(Page 197.)

The most striking feature of the tables is the low average money wage received in the majority of occupa-

tions. This indicates the need for a scientific study of the advisability of paying a straight money wage in this industry, and of the value to the employee of meals and lodging tendered in lieu of wages. Such a study would afford a basis for comparing the earnings of these employees with their cost of living, and with the wages paid persons engaged in occupations in other industries which require a similar degree of skill. (Page 196.)

Alabama.

U. S. Department of Labor. Women's Bureau. Hours, Wages, and Working Conditions of Women in the Industries in Alabama. Preliminary Memorandum. October, 1922.

Numbers of Women Employed in Alabama Industries.

According to the United States census in 1920 there were 223,876 women wage earners in Alabama. A large proportion of that number were domestic servants, laundresses, and farm laborers. After these groups the three which employed the greatest number of women were manufacturing and mechanical industries, retail stores and laundries. In manufacturing and mechanical industries more than half of the women were engaged in the manufacture of textiles. Therefore, we are chiefly concerned with conditions surrounding women in textile mills, in stores, and in power laundries.

Table I shows the number of plants visited in the survey, and the distribution of the women employed therein through the various industries by race. 60.8 per cent of the women scheduled worked in textile mills, 18.7 per cent in retail stores, and 8.5 per cent in laundries. An overwhelming majority of the textile workers, 92.9 per cent, were white; and of the 7.6 per cent who were negroes the majority did cleaning work in the mills. 85.1 per cent of the women in power laundries were negroes who worked chiefly on flat work machines, at hand and machine pressing, and occasionally on extractors. (Page 1.)

Hours.

The hours of work for women in Alabama are extremely uneven. The upper and lower limits are widely variable quantities. Whether there will be work four, five or six days a week is uncertain; consequently earnings cannot be figured upon in advance; and when there is steady work the majority of the women put in a ten hour day five days a week, and five hours on Saturdays. (Page 7.)

Wages.

For the present it is practicable to give the figures only in summary form for all of the women for whom figures were obtained in each industry, during a working week in January, 1922, and for 20 per cent of these women whose years' earnings also are shown. In selecting the week for which pay roll records were taken, attempt was made to secure figures for a recent week which was representative of the usual working hours of the firm.

Throughout the entire country the period for which these records of earnings were secured was an abnormal one during which there was extensive unemployment and part time employment. In Alabama the situation seemed particularly acute as the closing of the furnaces in Birmingham had resulted in unusually great depression in all lines of industry. For this reason the wage figures given here must be carefully studied and especial attention given to the correlation of earnings and time worked.

Unfortunately it is not practicable to include here the statistical tables which contain the basic figures for this summary of wages. All of these tables will be included and discussed in the complete report. (Page 14.)

Earnings for full time work.

As the figures just discussed seem to show that there is not a common standard of hours or days of work, it is impossible to draw definitely a line of demarcation

between the figures which represent payment for under-time and those which include payment for overtime work. Without a study of individual establishments and in some cases of separate departments, it cannot be estimated accurately whether wages earned during a certain period were payment for normal or more than normal hours of work.

There is, however, a very generally accepted standard of what a normal working week should be and of what "full time" should consist. In view of the fact that the 44 or 48 hour week is generally recognized as an adequate standard of hours of work, it does not seem unfair to the industries of the state to estimate that all women who worked 48 hours or more during the week should be considered to be practically full time workers. Applying the same standard for the women whose hours were not reported, it seems equally fair to estimate that if they worked on 5 or more days, they probably put in practically full time as the usual daily hours in Alabama industries were 10 which would make a 50 hour week for women who worked five days. The figures for the women who did not work full time on these five days would be more than offset by those for the women who worked on 5½ and 6 days and whose hours amounted to 55 or 60. On this basis it is important to know the earnings for the women who worked what we estimate to be practically full time (48 hours or more or on 5 days or more) during the week investigated.

The median earnings for all the women who worked 48 hours or more or on 5 or more days were $10.40.

The rank of the individual industries in this regard was very much the same as their rank in relation to the earnings of all women irrespective of length of time worked. Arranged in descending scale they stand as follows:

Industry.	Number of white women.	Median earnings.
General mercantile	668	$12.65
Laundries	36	12.35
Miscellaneous manufacturing	64	12.00
Food products	36	10.65
Yard goods	804	10.25
Garment	17	9.90
Yarn and twine	428	9.40
Hosiery	206	8.75
5-and-10-cent stores	166	8.35
	2,425	

For all the women who worked the full time hours the most usual earnings were from $7 to $12, more than two-thirds of the women having earned such wages. In general mercantile stores, in the manufacture of yard goods and of yarn and twine there were a number of women who earned over $15 for the practically full week's work, but in no other industry was there an appreciable number of women whose full-time earnings amounted to more than $15. (Pages 17-18.)

Week's earnings.

The actual earnings of 4,868 white women during the week for which records were taken varied all the way from less than $1 to more than $40. The two extremes represent of course unusual cases which have no significance. The largest groups of women (from 200 to 500) were found in the classification of those earning from $4 to $13. In nearly every industry the wage groups between these limits contained the largest numbers of women, and it is from this massing that the prevailing standards must be judged. One-half of the 4,868 women earned less than $8.80 during the week for which records were secured. In the different industries the earnings of the women varied considerably, the median for each industry being as follows:

Industry.	Number of white women.	Median earnings.
Printing and publishing	29	$17.30
General mercantile	780	12.45
Laundries	72	11.00
Garment manufacturing	359	9.95
Food products manufacturing	65	9.10
Yard goods manufacturing	1,729	8.70
5-and-10-cent stores	194	8.05
Miscellaneous manufacturing	137	7.85
Yarn and twine manufacturing	832	7.60
Hosiery manufacturing	671	6.85
	4,868	

In each industry listed half of the women earned more and half less than the amounts stated, and, although these sums include in some instances payment for less than full time and so do not give an entirely accurate picture of the wage standards of the industries, they do portray the problems which face the women wage earners during a period in which a certain amount of undertime must be allowed for. (Pages 14-15.)

Earnings by time worked.

The figures just quoted show in a general way the status of the different industries and the actual amounts which a large number of women had for their living expenses during a given week. But they do not take into account the extremely important matter of the number of hours of work which were required to earn the amounts stated. Obviously, the sum of eight or nine dollars representing a week's earnings means one thing if it involves 50 or 55 hours of work and quite another when only 25 or 30 hours has been the length of the working week. Unfortunately, it is not always possible to secure from an establishment records which show definitely the number of hours which have been worked by each woman whose pay is recorded. Sometimes it is only possible to discover the number of days on which she worked; sometimes neither the number of days nor hours

are given. For all cases where it was possible, hour records were secured and where these failed the record was taken of the number of days on which work was done.

The following statement shows the median earnings of the women who worked each specified length of time:

Hours worked.	Number of white women.	Median earnings.
Under 30	265	$3.70
30 and under 44	390	6.40
44 and under 48	303	8.25
48 and under 50	127	9.80
50 and under 55	250	9.35
55	650	10.00
Over 55 and under 60	94	10.70
60 hours and over	168	10.70
	2,247	

Days on which work was done.	Number of white women.	Median earnings.
Less than 3	105	$2.20
3	62	4.45
3½	27	5.65
4	49	5.85
4½	88	7.35
5	114	7.65
5½	235	10.35
6	793	12.00
	1,473	

It is obvious from these statements which show figures for 3,720 (91.7 per cent) of the women included in the survey, that a large number of them worked very short hours during the week investigated. Their earnings therefore cannot be considered indicative of standards in the State, although they probably represent very serious problems for the individual earners.

That increases in hours of work do not result in a proportionate increase of earnings is evident from the figures given here. Earnings were very little higher for

women who worked 55 and 60 hours than they were for those who worked 48 or 50 hours. This fact is particularly striking as the women for whom actual hours of work were recorded, were, in the main, time workers who were paid by the length of time worked rather than by the amount of work done. That there was not a proportionate increase in earnings with additional time worked for this group can only mean that there is no standard length of working week in the State, but rather that individual establishments have varying standards so that although a woman does not get a full week's wage until she has worked 55 hours in one plant, in another, she gets her full wage for 50 and in another for 48 hours of work.

The most usual number of hours of work during the week under consideration seems to have been 55, for more than one-fourth of the women were reported as working 55 hours and half of this group earned less than $10.

For the women whose time worked was recorded in days, there was a more direct relationship between time worked and earnings. However, although the median of earnings for 5 days was an increase of more than 100 per cent over the median for four days, it was only $12.00, which means that 396 women who worked on 6 days earned less than $12, while 396 earned more than that amount. (Pages 14-17.)

Arkansas.

*U. S. Department of Labor. Women's Bureau. Bulletin No. 26. Women in Arkansas Industries. 1923.**

According to the most recent census figures, the State of Arkansas has a total population of 1,752,204, and of this number 36.2 per cent are engaged in gainful occupations.[1] Exclusive of children under 10 years of age, who are not possible workers, nearly one-half (48.7 per cent) of the remaining population are gainfully employed. By far the largest number of women workers

*Copied from proof sheets.

[1] U. S. Bureau of the Census. Preliminary occupation statistics—Arkansas; 1920. News release, August 26, 1921.

were engaged in agriculture as farmers on general farms and as farm laborers, either working out or on home farms.[5] The second largest number were employed in domestic and personal service as servants, waitresses, and laundresses. These two groups contain 74.2 per cent, practically three-fourths, of the women workers of the State. In contrast to the large number of workers on farms and in domestic and personal service is the small number of those engaged in manufacturing and in stores. At present there are 2,604 manufacturing establishments in the State,[6] and 1,517 of these (58.3 per cent) employ only from one to five people.

Scope and Method of Investigation.

This survey was made in February and March, 1922, a period of considerable economic depression throughout the State which was due both to the general business depression existing everywhere at that time and to certain local conditions.

In the 189 establishments for which information was secured, there were employed at the time of the survey 2,636 white women and 481 negro women, a total of 3,117. The fact that Arkansas is not primarily an industrial State, but ranks thirty-sixth among the States in the value of manufactured products,[7] is emphasized by the figures in this table. Only 761 white women were employed in manufacturing establishments, and these women were scattered through 54 plants. Negro women were employed in manufacturing to an even less extent than were white women, only 71 of 481 negro women being found in manufacturing establishments. This small number of both white and negro women engaged in manufacture was without doubt partly due to depressed economic conditions, for several establishments reported fewer employees than formerly and in some instances plants were temporarily closed.

[5] U. S. Bureau of the Census. Principal occupations in Arkansas; 1920. News release, December 29, 1921.
[6] U. S. Bureau of the Census. Census of manufacturers; 1914, v. 1, p. 60, tab. 4.
[7] Monthly Labor Review, v. 14, No. 3, March, 1922, p. 75.

Stores, including both general mercantile and 5-and-10-cent stores, employed the largest number of white women of any group, and their employees comprised more than one-third (36.9 per cent) of the entire number of white women included in the survey. Telephone exchanges, with 444 women, ranked second in importance so far as numbers are concerned. Of those engaged in manufacturing, the largest number of white women were employed in garment making and the largest number of negro women on wood products.

Negro women were found in greatest numbers in restaurant and hotel service and in laundries, both industries akin to domestic service and requiring but little additional training.

In laundries white and negro women were generally employed in the same establishments but usually on different work, the white women being chiefly markers, checkers, mangle operators, starchers, and menders, and the negro women hand ironers and steam-press operators.

In hotels and restaurants white women were more frequently found as waitresses and negro women as chambermaids and kitchen help, but this grouping was not invariable and in some establishments work was apportioned regardless of color, white and negro women working together as chambermaids or as kitchen help.

Table 12.—Week's Earnings, by Industry.

Week's earnings	Number of women earning each specified amount in—															
	All industries[1]		The manufacture of—							Printing and publishing	General mercantile	5-and-10-cent stores	Laundries	
			Candy	Drugs	Garments	Mattresses, tents, and awnings	Wood products		Miscellaneous manufacturing					
	White	Negro	White[2]	White	White	White	White	Negro	White[3]	White	White[3]	White[3]	White	Negro
Under $1	2	2					1	2	2					
$1 and under $2	15	6			4		3	6	5		2		1	
$2 and under $3	18	9			2	1	4	7	3		6	1	1	
$3 and under $4	19	9	1		2		2	9	6		6	1	1	
$4 and under $5	30	12	4		6	2	6	11	7		3	2		1
$5 and under $6	49	23	1		19	1	3	18	3		6	6	10	3
$6 and under $7	111	14	16	2	31	3	24	5	5	1	16	5	8	8
$7 and under $8	104	46	8	3	15	7	13	4	9		29	18	2	37
$8 and under $9	142	31	8	1	22	5	29	2	12	1	21	19	24	28
$9 and under $10	163	83	8		23	9	11	1	21		22	34	25	80
$10 and under $11	188	45	7		16	10	18		14	2	28	15	78	40
$11 and under $12	88	8	6		11	4	7		7	2	36	5	10	7
$12 and under $13	130	2	3	1	7	5	15		10	11	61	5	12	1
$13 and under $14	116	1	1		24	3	5		10	3	52	16	2	
$14 and under $15	81		2	2	18	2			6	3	24	4	10	
$15 and under $16	137	3	1		12	2	2		5	7	95	4	9	2
$16 and under $17	50		1	1	13				2	10	29		3	
$17 and under $18	71		1	1	20				1	8	30		1	
$18 and under $19	57	2			11	1	1	1	1	4	38	1		1
$19 and under $20	22				11	2					9			
$20 and under $21	74				6	2				1	61	1	3	
$21 and under $22	12				4	1					7			
$22 and under $23	16				2						14			
$23 and under $24	15				5						10			
$24 and under $25	4				2						2			
$25 and under $30	37				5						31		1	
$30 and under $35	18				2					1	1		1	
$35 and under $40	10				1						9			
$40 and over	4									1	3			
Total	1,793	296	68	11	294	60	144	66	129	55	663	137	202	208
Median earnings	$11.60	$8.85	$8.50	(3)	$11.65	$10.20	$8.55	$4.80	$9.60	$15.65	$15.15	$9.50	$10.35	$0.35

[1] Exclusive of telephones, reported on a half-monthly basis, and hotels and restaurants, omitted because of the custom of giving meals.
[2] Negroes, 2.
[3] Negroes, 16.

(Condensed.)

The figures given in this table relate to the earnings of all of the women included in the investigation, irrespective of the number of hours they worked during the week for which figures were secured. Some of these women worked the entire week, others only a part of it. Whatever the hours worked, however, the amounts earned represented the actual amounts the women in question had to spend during the week. If these figures are compared with those from three other States[*] where similar surveys were made by the Women's Bureau during the past year (1921), we find that Arkansas ranks second in wages earned by its white women workers.

	Median earnings.
Georgia	$12.20
Arkansas	11.60
Kentucky (preliminary figures)	11.05
South Carolina (preliminary figures)	9.55

The earnings of the white women in Arkansas varied from less than $1 to $40 and over, but the great mass of women, 58.1 per cent, were in the groups earning from $6 to $14. In several of the industries this massing of the women does not occur around the same wage groups. In wood products and candy manufacture more than one-half of the white women, 59 per cent and 55.9 per cent, respectively, had earnings under $9, while in printing and general mercantile establishments more than one-half, 63.6 per cent and 57 per cent, respectively, earned $14 and over. Few women were found in any industry who earned $20 and over, but of those the majority were in two industries, general mercantile and garment manufacturing, where 23.2 and 9.2 per cent, respectively, of the women employees earned $20 or more.

The following summary gives the median earnings of the white women, one-half receiving more and one-half less than these amounts in the industries specified:

[*] U. S. Dept. of Labor, Women's Bureau, Women in Georgia industries, Bul. 22, 1922.

	Number of white women.	Median earnings.
Candy	68	$8.50
Garments	294	11.65
Mattresses, tents, and awnings	60	10.20
Printing and publishing	55	15.65
Food products	144	8.55
Miscellaneous	129	9.60
General mercantile	693	15.15
5-and-10-cent stores	137	9.50
Laundries	202	10.35
All industries	1,793	11.60

Earnings of telephone operators.

The earnings of telephone operators included in this survey are for a half month's period. The scheduled number of days for this period is 13, except in the case of 5 girls who had a schedule of 14 days.

For the 444 operators in telephone exchanges who reported earnings and days on which work was done are shown in the following summary of Table X in the appendix:

Number of women.	Time worked.	Median earnings.
14	On less than 8 days	$11.65
176	On 8 and less than 13 days	25.60
254	On 13 and 14 days	29.95

From this summary it is apparent that more than one-half of the women worked a full half month and that 3.2 per cent worked less than 8 days of their time. Median earnings for the full-time workers were $29.95, which median was $1.90 higher than that for all the women, regardless of time worked. In a continuous industry, such as the telephone, there is considerable overtime as well as undertime. This was clearly shown by the number of girls in the 14-day group. Only 5 girls had regular scheduled days of 14 in this period, and yet 30 operators were found working on 14 days. The majority of operators who worked on Sundays, in the evening, or at night, as well as those working overtime, received extra com-

pensation. Table XI in the appendix shows that 120 operators, a little over one-fourth of the total number, received this extra pay, the greatest number of them, 33, having had their earnings increased by from $2 to $3, but 29 received a surplus of from $3 to $4 and 19 from $4 to $5.

The effect of both lost time and extra compensation was shown by the facts that fewer women had rates of less than $20 than actually earned less than $20, and more women earned $30 and over than had rates of $30 and over.

The following summary of Table XII in the appendix shows the distribution of women by their rates and earnings:

	Women.
Rates less than $20	10
Earnings less than $20	43
Rates $20 and less than $30	283
Earnings $20 and less than $30	235
Rates $30 and over	151
Earnings $30 and over	166

Colorado.

Colorado Minimum Wage Commission. Report of Recent Survey of Wages Paid Adult Women Employees in Colorado. 1921.

Weekly Wages of Adult Woman Employees.

Class of work.	Number of reports.	Total employees.	Employees receiving, per week—Under $12. Number.	Under $12. Per cent.	Under $15. Number.	Under $15. Per cent.
Laundries ...	31	796	251	31.5	555	69.7
Mercantile ..	61	1,739	317	18.2	964	55.4
Public housekeeping	87	890	65	7.3	359	40.3
Miscellaneous	31	897	127	14.2	267	29.8
Total	210	4,322	760	17.6	2,145	49.6

(Percentage computed.)

Connecticut.

U. S. Department of Labor. Women's Bureau. Bulletin No. 9. Home Work in Bridgeport, Connecticut. December, 1919.

Weekly earnings from home work, by class of work performed, Bridgeport, Conn., 1919.

Weekly earnings.	Number of families receiving specified weekly earnings.
Less than $1	2
$1 and less than $2	1
$2 and less than $3	10
$3 and less than $4	21
$4 and less than $5	22
$5 and less than $6	13
$6 and less than $7	8
$7 and less than $8	5
$8 and less than $9	4
$9 and less than $10	2
$10 and less than $11	6
$11 and less than $12	..
$12 and less than $13	5
$13 and more	1
Total	100

(Page 12.)

As the table shows, the median earnings were between $4 and $5 for a week's work with only 31 of the group of 100 reporting earnings of $6 or more. (Page 13.)

Summary of Facts.

(*d*) The earnings from home work are very low, however, and constitute merely a supplementary income in spite of the fact that several members of the household often take part in the work. This seems to be due to two main causes, (1) low rates of pay and (2) the small output of an unsupervised process and the general in-

efficiency of the entire home-work system, requiring, as it does, that the workers shall take time to call for the goods at the factory and deliver them after they are completed, while also the worker is constantly interrupted by home duties and lacks the stimulus of a well-organized factory department to make possible effective production. (Page 9.)

Widespread recognition of the close connection between low wages and home work has led to many recommendations for minimum wage laws, both to reduce the amount of home work and to raise the rate of pay for that which still continues.

In 1908 a special committee was appointed in England to report to the House of Commons on means of remedying existing abuses in trades in which home work was prevalent. In its report* this committee stated:

No proposals which fail to increase the income of these people can have any appreciable effect in ameliorating their condition. Improved sanitary conditions are important, and necessary; greater personal and domestic cleanliness in many cases is desirable; but the poverty, the miserably inadequate income of so many of the home workers is the great difficulty of the situation. With an increase in their earnings many of the other undesirable conditions which intensify and in turn are aggravated by the ever-present burden of grinding poverty would be very appreciably modified and improved. * * * Your committee are of the opinion that, unless Parliament steps in and gives them the protection and support which legislation alone can supply, the prospects of any real and substantial improvement in their position and condition being brought about are very small and remote. * * * Upon the question of the general policy of Parliament fixing or providing for the fixing of a minimum rate of payment for work, below which it should be illegal to employ people, your committee are of the opinion that it is quite as legitimate to establish by legislation a minimum standard of remuneration as it is to establish

*Great Britain, House of Commons, Report from the Select Committee on Home Work, 1908. (Pages 23-24.)

such a standard of sanitation, cleanliness, ventilation, air space, and hours of work. * * * It is doubtful whether there is any more important condition of individual and general well-being than the possibility of obtaining an income sufficient to enable those who earn it to secure, at any rate, the necessaries of life. If a trade will not yield such an income to average industrious workers engaged in it, it is a parasite industry, and it is contrary to the general well-being that it should continue. Experience, however, teaches that the usual result of legislation of the nature referred to is not to kill the industry but to reform it.**

During the same year the British Government appointed a commission to investigate the workings of the wages boards and industrial conciliation and arbitration acts in Australia and New Zealand. The wage rates established in those countries applied to home as well as factory workers, so the report on this subject is significant. In speaking of conditions in Victoria after the establishment of the wages boards, Mr. Aves, the commissioner, said:

There is also a very widely spread belief that the boards have been instrumental, some say in abolishing, and others in modifying the evils of "sweating," and, from the complex motives, there is in Victoria a great preponderance of opinion amongst all classes in favour of the retention of the boards.**

Georgia.

U. S. Department of Labor. Women's Bureau. Bulletin No. 22. Women in Georgia Industries. January, 1922.

The periods covered by this survey of industrial conditions for women in Georgia extended from May 28 to July 13, 1920, and from February 15 to April 15, 1921. The time covered was one of transition. In the spring of 1920, industry and business throughout the United

**Great Britain House of Commons, Report from the Select Committee on Home Work, 1908. (Pages 23-24.)

States were booming. . . However, from June, and in some instances from July, a steady decrease was observed in the numbers employed. . . . This reduction in the working force was accompanied by a decrease in weekly earnings. The decrease was rapid during November and December, and by the last of December weekly earnings were 30 per cent lower than in June. (Page 1.)

Decreases in the cost of living occurred more slowly than the wage decreases. For 32 cities throughout the United States the decrease was 16.1 per cent from June to December, 1920.[4] The two Georgia cities for which records were obtained, Atlanta and Savannah, showed considerably less of a decrease in the cost of living between these two periods than the average throughout the country. Atlanta had a decrease of 8.2 per cent and Savannah one of 10.7 per cent. If this is significant of the State as a whole, it is plain that the decrease in earnings created an especially serious condition in Georgia. When weekly earnings have decreased 30 per cent and the cost of living about 10 per cent, there must be considerable difficulty in adjusting the two. (Pages 1-2.) Throughout the country more decreases in wages were reported for the textile industry from July 1, 1920, to March 31, 1921, than for any other of the 395 industries included in the figures of the Bureau of Labor Statistics. The importance to the workers of Georgia of this tremendous decline in the textile industries, both in the numbers employed and in the earnings of those still working, is evident from the fact that Georgia ranks third among the cotton-producing States in the number of spindles and looms in its mills.[5] . . .

By these methods employees are drawn from the farms and hills, and native Americans fill the southern mills. This is in rather striking contrast to the New England mills where, in 1905, 61.3 per cent were of foreign birth.[7] In the southern mills at the same time no foreign-

[4] Changes in cost of living in the United States. Monthly Labor Review, v. 12, No. 2, February, 1921, p. 52-61.
[5] National Association of Cotton Mill Manufacturers. Standard cotton mill practice and equipment. Boston, 1921, p. 96-97.
[7] U. S. Department of Commerce and Labor. Report on condition of woman and child wage earners in the United States, v. 1: Cotton textile industry. Washington, 1910, p. 108, 120. (61st Cong., 2d sess., S. Doc. 645.)

born workers were found, and but 0.3 per cent of the workers had foreign-born parents. Among the workers who reported their nativity in the surveys just completed, 0.4 per cent were of foreign birth. [13 out of 3,186.] (Page 2.)

Two full weeks were selected for this pay-roll record, one early in 1920 and the other early in 1921." (Page 5.)

The working week of almost two-thirds (65.1 per cent) of the women reported in this survey was 55 hours and over, while an excessively long week of 60 hours and more was scheduled for over one-quarter (27.2 per cent). Equally startling are the numbers of women who worked long daily hours. One-half (51.3 per cent) had a work day of 10 hours and over, and 14.4 per cent of 11 hours and over. (Page 6.)

Summary.

Extent of surveys.

Number of cities and towns included, 16.

Number of establishments visited, 131.

Number of women and girls employed in these establishments, 9,900. (Page 7.)

Wages.

Wage data for 102 plants[12] showed:

Weekly—

Median earnings for white women were $12.20, for Negro women $6.20.

Highest earnings for white women were in cigar manufacturing, with a median of $15.90.

Highest earnings for Negro women were in food manufacturing, with a median of $10.35.

Lowest earnings for white women were in miscellaneous manufacturing, with a median of

[11] In a number of instances it was necessary to take the second week in the latter part of 1920, as no full week had been worked in 1921.

[12] Wages for workers in Atlanta are recorded in Part III.

$9.15, and 5-and-10-cent stores, with a median of $9.25.
Lowest earnings for Negro women were in garment manufacturing, with a median of $3.90.

Yearly—

Median earnings for white women were $748 and for Negro women $413.
Highest earnings for white women were in cigar manufacturing, with a median of $1,000.
Highest earnings for Negro women were in food manufacturing, with a median of $600.
Lowest earnings for white women were in laundries, with a median between $450 and $500.
Lowest earnings for Negro women were in laundries, with a median of just below $350. (Pages 7-8.)

The workers.

The number of foreign-born was 13 in a total of 3,186 women reporting.

The ages of the women fell in three groups: Slightly less than one-third of those reporting (30.4 per cent) were under 20 years, slightly more than one-third (34.7 per cent) were 20 and under 30, and slightly more (35 per cent) were 30 and over.

Women who were or had been married comprised 50.2 per cent of the 3,132 women reporting.

The women who lived at home comprised 85.7 per cent of the 2,919 replying to this question. (Page 8.)

Wages.

Wage data for 26 plants showed:

Weekly—

Median earnings for white women were $13.05, and for Negro women $7.15.
Highest earnings for white women were in department stores, with median earnings of $16.05.

Highest earnings for Negro women were in box manufacturing, with a median of about $13.
Lowest earnings for white women were in candy manufacturing, with median earnings of $11.
Lowest earnings for Negro women were in laundries, with median earnings of $6.95.

Yearly—

Median earnings for white women were $721, and for Negro women $384.[14]
Highest earnings for white women were in department stores, with median earnings of $888.
Lowest earnings for white women were in 5-and-10-cent stores, with median earnings of $546.
The 26 Negro women with 52-week records in laundries had a median of $382. (Page 9.)

These medians or middle points may be taken as fair indexes of earnings in the various industries. Cigar making had the highest earnings and showed a median of $15.90. This is $3.70 above the median of $12.20 for all industries, and $6.75 and $6.65 above the lowest medians, which occur in miscellaneous manufacturing and the 5-and-10-cent stores. The proportion of white women who earned less than $8 a week is nearly one-fifth (19.2 per cent) of all those engaged in industry.

If we compare these figures with those of Kansas and Rhode Island—other States where surveys were made at about the same time—we find approximately one-fifth of the women in Kansas receiving less than $9 and one-fifth of those in Rhode Island receiving less than $12.50. A greater proportion of Georgia workers, therefore, earned under $8 than in either Kansas or Rhode Island. Laundries and miscellaneous manufacturing had the greatest proportion of white women earning less than $8, laundry workers showing 42.5 per cent and miscellaneous manufacturing 42.9 per cent of the women with earnings in this group. Of the women engaged in the manufacture of

[14] No Negro women reported yearly earnings in stores and but one in factories.

knit goods 28.1 per cent and of those in food manufacturing 32.3 per cent earned less than $8 a week.

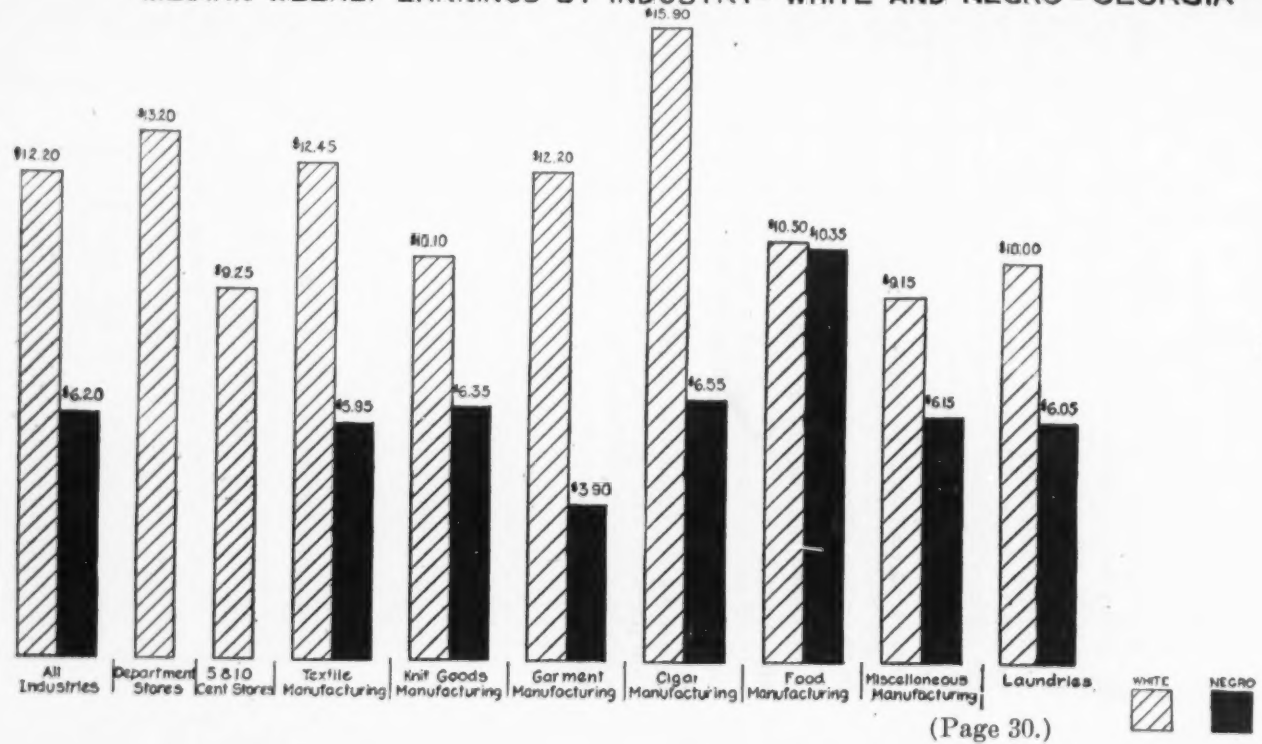
The Negro Worker.

Median earnings of Negro women were considerably lower than those of white women. The median for Negro workers in all industries was $6.20, while the highest median for any Negro group was $10.35 for workers in the manufacture of food products. In many industries the occupations of these women are not of the same character as those of white women and therefore their earnings are not comparable, but in knit goods and garment manufacturing some plants had white and others had Negro women engaged on the same processes. The difference between their earnings was most marked in garment making, where the median earnings were for white workers $12.20 and for Negro workers $3.90. Most of these earnings were based on piecework and indicate a considerable discrimination against Negro women. In the plant where Negro workers were employed in manufacturing garments the rate was lower than that formerly paid to white workers on the same processes, and in one plant making knit goods white workers had been replaced by Negro women at a lower rate, although the manager stated that the work of the Negro women was more satisfactory. White and Negro workers had median earnings of almost the same amounts in food-products manufacturing. This was a low-paid industry for the white worker, due largely to the inclusion of the confectionery industry which paid a lower wage. The wage of Negro workers in food manufacturing compares favorably with that of white workers, as the Negro workers were employed in large numbers in a sugar refinery where their earnings were unusually high. In laundries the wage varied considerably for the two races, but the white and Negro women were not engaged in the same operations, white women usually doing the marking and checking while the other processes were performed by Negro workers. (Pages 31-32.)

On the whole, when the same work was done by white and Negro workers a lower wage usually was paid to the

Negro women. If the pay was based on time work, it was explained that the Negro worker was slower and less steady in attendance, factors which were not inquired into in this investigation.

There is constant danger of the substitution at a reduced wage of Negro for white workers. In one establishment where Negro women had taken the place of white, the manager stated that several years ago he had all white girls—several hundred—but gradually he had introduced Negro women, first in one department, then another, until at the present time there were but five white women left. The report on the plant reads: "The Negro girls receive a lower rate than the white, but produce about as much and do not complain at having to sweep around their own machines."


MEDIAN WEEKLY EARNINGS BY INDUSTRY- WHITE AND NEGRO - GEORGIA
$12.20
$6.20
$13.20
$9.25
$12.45
$5.95
$10.10
$6.35
$12.20
$3.90
$15.90
$6.55
$10.30
$10.35
$9.15
$6.15
$10.00
$6.05
All Industries
Department Stores
5 & 10 Cent Stores
Textile Manufacturing
Knit Goods Manufacturing
Garment Manufacturing
Cigar Manufacturing
Food Manufacturing
Miscellaneous Manufacturing
Laundries
WHITE
NEGRO

(Page 30.)

The danger is not that the Negro women will be able to do the work better than the white women, but that they will work for wages below the minimum accepted by the white workers. Even in plants where the wage was on a piece basis the rates were lower for Negro than for white women workers. The fact that most wages still rest on the commodity basis of buying work in the cheapest market makes the industrial competition of these two groups of workers with different standards of living a grave social and economic problem. If the introduction of the Negro worker at lower rates continues, there is a menace to the white worker not only of losing her job, but of lowered pay and poorer living conditions. The census of 1910 places the number of Negro women 10 years of age and over, gainfully employed, at 2,013,981, and of these only 0.8 per cent were engaged in manufacturing and mercantile pursuits." The potential number of workers who may be drafted into industry with but little training and driven by economic need is therefore large. This condition presents a dangerous possibility of lowered wages to white workers as well as an exploitation of the ignorance and economic necessity of the Negro. (Pages 31-32.)

Table VII.—Number of women with actual weekly earnings as specified, by industry—Georgia. Late Pay-Roll Figures.

Weekly earnings.	All industries.		Department stores.		5-and-10-cent stores.		Textile manufacturing.		Knit-goods manufacturing.		Garment manufacturing.		Cigar manufacturing.		Food manufacturing.		Miscellaneous manufacturing.		Laundries.	
	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.
Under $2	78	55	4	.....	7	.....	46	15	2	8	14	4	1	1	.....	1	4	20	.....	6
$2 and under $3	65	51	2	.....	3	.....	47	16	3	3	4	4	.....	3	2	2	4	19	.....	4
$3 and under $4	85	112	1	.....	6	1	52	22	4	13	15	10	3	3	.....	.....	4	41	.....	22
$4 and under $5	103	198	3	.....	1	.....	69	54	7	12	9	5	.....	6	4	2	9	82	1	37
$5 and under $6	162	193	5	1	6	.....	115	16	9	14	12	7	.....	15	6	4	6	69	3	67
$6 and under $7	235	252	8	2	12	.....	163	43	20	15	15	2	4	9	6	1	13	101	4	79
$7 and under $8	270	164	6	3	12	1	169	27	18	12	27	1	3	9	12	.....	14	84	9	27
$8 and under $9	368	87	32	2	41	.....	241	11	12	10	21	.....	7	7	6	9	7	25	1	23
$9 and under $10	379	76	24	1	34	.....	257	17	17	8	22	1	5	7	6	13	12	22	2	7
$10 and under $11	449	46	55	1	35	.....	273	13	22	5	26	.....	12	4	9	11	16	6	1	6
$11 and under $12	325	23	31	.....	11	1	230	4	8	6	24	.....	6	1	7	3	7	6	1	2
$12 and under $13	371	27	53	.....	15	.....	218	7	22	2	32	.....	6	.....	8	12	11	4	6	2
$13 and under $14	364	10	24	.....	4	.....	275	.....	18	1	19	.....	7	1	9	3	6	5	2	.....
$14 and under $15	226	9	15	.....	.....	.....	163	.....	12	.....	17	.....	7	.....	6	8	5	1	1	.....
$15 and under $16	415	3	58	.....	4	.....	299	.....	6	.....	17	.....	18	.....	6	1	5	2	2	.....
$16 and under $17	233	4	15	.....	.....	.....	177	.....	11	.....	19	.....	10	.....	1	2	.....	2	.....	.....
$17 and under $18	208	2	15	.....	1	.....	153	.....	9	2	17	.....	11	.....	.....	.....	.....	.....	.....	.....
$18 and under $19	182	.....	21	.....	1	.....	120	.....	8	.....	15	.....	13	.....	1	.....	1	.....	2	.....
$19 and under $20	142	.....	5	.....	.....	.....	110	.....	1	.....	16	.....	8	.....	1	.....	1	.....	.....	.....
$20 and under $21	119	.....	22	.....	.....	.....	67	.....	4	.....	17	.....	4	.....	3	.....	.....	.....	2	.....
$21 and under $22	72	.....	4	.....	.....	.....	36	.....	4	.....	5	.....	3	.....	.....	.....	.....	.....	.....	.....
$22 and under $23	76	.....	12	.....	.....	.....	47	.....	2	.....	8	.....	6	.....	.....	.....	.....	.....	1	.....
$23 and under $24	61	.....	10	.....	.....	.....	42	.....	.....	.....	4	.....	5	.....	.....	.....	.....	.....	.....	.....
$24 and under $25	53	.....	6	.....	.....	.....	34	.....	1	.....	6	.....	5	.....	.....	.....	1	.....	.....	.....
$25 and over	146	.....	27	.....	.....	.....	94	.....	4	.....	9	.....	10	.....	.....	.....	.....	.....	2	.....
Total	5,186	1,312	468	10	193	3	3,507	245	224	111	390	34	164	66	93	72	128	489	40	282
Median earnings	$12.20	$6.20	$13.20	(1)	$9.25	(1)	$12.45	$5.95	$10.10	$6.35	$12.20	$3.90	$15.90	$6.55	$10.50	$10.35	$9.15	$6.15	$10.00	$6.05

[1] Not computed, owing to small number involved.

(Page 73.)

Table VII.—Number of women with actual weekly earnings as specified, by industry—Georgia.—Continued. Early Pay-Roll Figures.

Weekly earnings.	All industries.		Department stores.		5-and-10-cent stores.		Textile manufacturing.		Knit-goods manufacturing.		Garment manufacturing.		Cigar manufacturing.		Food manufacturing.		Miscellaneous manufacturing.		Laundries.	
	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.
Under $2	97	58	2	.....	2	.....	62	8	5	15	13	2	3	.....	4	2	4	20	2	11
$2 and under $3	104	57	5	.....	7	.....	63	5	6	6	16	3	2	.....	1	2	3	23	1	18
$3 and under $4	110	60	3	.....	5	.....	65	8	5	8	23	10	5	.....	2	.....	2	20	.....	14
$4 and under $5	110	111	6	.....	7	.....	73	9	8	17	10	6	5	.....	.....	1	1	24	.....	54
$5 and under $6	161	184	17	.....	10	.....	88	11	10	15	22	6	5	.....	3	4	3	52	3	96
$6 and under $7	200	225	5	.....	21	.....	109	19	18	16	30	2	9	.....	1	3	2	97	5	88
$7 and under $8	237	110	10	3	34	3	110	21	23	16	28	3	10	.....	13	9	5	21	4	34
$8 and under $9	281	85	41	1	61	1	120	38	14	11	22	1	5	.....	9	9	7	8	2	16
$9 and under $10	301	133	26	2	49	.....	151	83	23	5	21	1	10	.....	16	11	3	12	2	19
$10 and under $11	375	71	59	1	27	1	194	44	27	3	31	.....	17	.....	2	14	13	2	5	6
$11 and under $12	294	17	31	.....	8	.....	192	11	29	5	16	.....	6	.....	3	1	8	.....	1	.....
$12 and under $13	376	23	59	1	12	.....	226	11	21	4	29	.....	7	.....	4	4	11	.....	7	3
$13 and under $14	348	12	23	1	3	.....	273	11	18	.....	18	.....	6	.....	.....	.....	6	.....	1	.....
$14 and under $15	295	11	17	.....	2	.....	233	3	16	1	16	.....	5	.....	.....	7	6	.....	.....	.....
$15 and under $16	289	3	45	.....	2	.....	200	1	12	.....	16	.....	4	.....	.....	2	5	.....	5	.....
$16 and under $17	311	9	9	.....	.....	.....	274	3	7	.....	15	.....	3	.....	.....	6	1	.....	2	.....
$17 and under $18	246	.....	11	.....	1	.....	204	.....	7	.....	17	.....	2	.....	.....	.....	2	.....	2	.....
$18 and under $19	219	1	20	.....	.....	.....	176	.....	2	.....	14	.....	3	.....	.....	1	3	.....	1	.....
$19 and under $20	164	1	4	.....	1	.....	140	.....	1	.....	12	.....	5	.....	.....	1	1	.....	.....	.....
$20 and under $21	132	.....	16	.....	.....	.....	97	.....	2	.....	10	.....	4	.....	.....	.....	.....	.....	3	.....
$21 and under $22	107	.....	5	.....	.....	.....	90	.....	1	.....	9	.....	1	.....	.....	.....	1	.....	.....	.....
$22 and under $23	125	.....	9	.....	.....	.....	108	.....	2	.....	3	.....	3	.....	.....	.....	.....	.....	.....	.....
$23 and under $24	76	.....	15	.....	.....	.....	54	.....	.....	.....	6	.....	.....	.....	.....	.....	1	.....	.....	.....
$24 and under $25	81	.....	4	.....	.....	.....	70	.....	.....	.....	6	.....	1	.....	.....	.....	.....	.....	.....	.....
$25 and over	213	.....	18	.....	.....	.....	161	.....	1	.....	22	.....	10	.....	.....	.....	.....	.....	1	.....
Total	5,252	1,171	460	9	252	5	3,533	286	258	122	425	34	131	.....	58	77	88	279	47	359
Median earnings	$12.95	$6.50	$12.40	(1)	$8.65	(1)	$14.15	$9.30	$10.65	$6.00	$10.90	$4.35	$10.70	.....	$8.55	$9.75	$11.15	$6.00	$10.90	$5.85

[1] Not computed, owing to small number involved.

(Page 74.)

Table IX.—Weekly Earnings, by Hours Actually Worked—Georgia.
Late Pay-Roll Figures.

Weekly earnings.	Number of women reporting.		Number of women who worked—																	
			Under 24 hours.		24 and under 33 hours.		33 and under 42 hours.		42 and under 48 hours.		48 and under 54 hours.		54 and under 57 hours.		57 and under 60 hours.		60 and under 63 hours.		63 hours and over.	
	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.	White.	Negro.
Under $2	41	41	41	37	.....	3	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
$2 and under $3	46	36	44	16	1	9	.....	5	1	2	.....	4	.....	.....	.....	.....	.....	.....	.....	.....
$3 and under $4	43	78	29	8	13	19	1	18	.....	15	.....	17	.....	1	.....	.....	.....	.....	.....	.....
$4 and under $5	60	161	29	.....	14	16	12	28	2	23	3	53	.....	11	.....	3	.....	27	.....	.....
$5 and under $6	103	144	26	1	23	4	31	22	8	31	8	52	7	30	.....	4	.....	.....	.....	.....
$6 and under $7	151	192	11	1	28	.....	35	11	23	29	16	70	34	65	1	2	3	12	.....	2
$7 and under $8	165	124	3	.....	24	.....	35	5	55	36	17	45	13	22	5	1	13	15	.....	.....
$8 and under $9	253	52	2	.....	16	.....	59	3	36	1	52	24	76	18	3	2	8	4	1	.....
$9 and under $10	260	47	3	.....	21	.....	31	.....	42	4	49	11	99	6	2	4	13	16	.....	6
$10 and under $11	293	31	1	.....	6	.....	43	.....	37	.....	72	3	106	6	2	2	25	11	1	9
$11 and under $12	205	11	.....	.....	5	.....	28	.....	33	1	46	2	78	4	4	.....	11	4	.....	.....
$12 and under $13	228	18	1	.....	5	.....	8	.....	35	.....	57	2	90	1	4	9	15	6	4	.....
$13 and under $14	241	3	1	.....	3	.....	16	.....	42	.....	54	.....	66	2	.....	1	56	.....	3	.....
$14 and under $15	139	7	.....	.....	1	.....	13	.....	26	.....	38	.....	42	.....	1	.....	17	.....	1	7
$15 and under $16	298	1	.....	.....	2	.....	7	.....	17	.....	47	.....	157	.....	3	.....	62	.....	1	1
$16 and under $17	140	1	1	.....	.....	.....	8	.....	7	.....	25	.....	47	.....	3	.....	48	.....	1	1
$17 and under $18	130	2	2	.....	.....	.....	5	.....	13	.....	17	.....	46	2	1	.....	45	.....	1	.....
$18 and under $19	109	.....	.....	.....	.....	.....	5	.....	7	.....	27	.....	41	.....	.....	.....	29	.....	.....	.....
$19 and under $20	86	.....	.....	.....	.....	.....	3	.....	5	.....	17	.....	47	.....	.....	.....	14	.....	.....	.....
$20 and under $21	62	.....	.....	.....	.....	.....	1	.....	11	.....	12	.....	17	.....	4	.....	16	.....	1	.....
$21 and under $22	45	.....	.....	.....	.....	.....	1	.....	3	.....	6	.....	25	.....	.....	.....	8	.....	2	.....
$22 and under $23	46	.....	.....	.....	.....	.....	2	.....	5	.....	15	.....	17	.....	.....	.....	6	.....	1	.....
$23 and under $24	31	.....	.....	.....	.....	.....	.....	.....	4	.....	8	.....	11	.....	.....	.....	8	.....	.....	.....
$24 and under $25	34	.....	1	.....	.....	.....	1	.....	4	.....	5	.....	14	.....	1	.....	7	.....	1	.....
$25 and over	92	.....	.....	.....	.....	.....	1	.....	4	.....	12	.....	54	.....	2	.....	18	.....	1	.....
Total	3,299	949	195	63	162	51	346	93	420	142	603	283	1,096	168	36	28	422	95	19	26
Median earnings	$12.15	$6.10	$3.45	$1.70	$7.10	$3.70	$9.00	$4.80	$11.20	$6.00	$12.65	$6.20	$13.55	$6.65	$12.25	$9.50	$15.80	$7.55	$14.50	$10.55

(Page 76.)

Table IX.—Weekly Earnings, By Hours Actually Worked—Georgia—Continued.
Early Pay-Roll Figures.

Under $2	50	43	50	40	.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
$2 and under $3	63	48	62	30	1	9	.....	7	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
$3 and under $4	65	49	56	5	8	19	1	8	.....	10	.....	7	.....	.....	.....	.....	.....	.....	.....	.....
$4 and under $5	62	86	44	3	9	7	7	24	2	16	.....	7	.....	10	.....	17	.....	2	.....	.....
$5 and under $6	97	144	43	.....	21	2	17	37	8	35	5	28	3	21	.....	18	.....	3	.....	.....
$6 and under $7	118	160	23	.....	38	1	29	8	12	28	10	48	1	59	4	10	1	5	.....	1
$7 and under $8	131	69	12	.....	32	1	23	8	25	13	17	20	22	18	.....	4	.....	5	.....	.....
$8 and under $9	173	55	6	.....	20	.....	34	2	21	5	23	19	66	16	.....	1	3	12	.....	.....
$9 and under $10	199	109	2	.....	20	.....	41	.....	33	9	28	7	74	49	.....	6	1	36	.....	2
$10 and under $11	217	59	2	.....	14	.....	41	.....	30	3	42	13	63	13	1	2	10	13	5	15
$11 and under $12	174	12	1	.....	7	.....	36	.....	28	.....	41	1	48	7	3	.....	3	2	7	2
$12 and under $13	259	5	.....	.....	8	.....	23	.....	46	1	65	2	85	.....	7	4	22	8	3	2
$13 and under $14	232	.....	.....	.....	5	.....	16	.....	42	.....	36	.....	107	9	2	.....	20	.....	4	.....
$14 and under $15	188	10	.....	.....	.....	.....	11	.....	27	.....	36	.....	64	1	3	.....	46	2	1	7
$15 and under $16	186	2	.....	.....	1	.....	10	.....	20	.....	34	.....	82	.....	8	.....	25	.....	6	2
$16 and under $17	208	9	1	.....	.....	.....	7	.....	12	.....	26	.....	92	.....	1	.....	67	3	2	6
$17 and under $18	165	.....	.....	.....	1	.....	9	.....	21	.....	19	.....	87	.....	.....	.....	26	.....	2	.....
$18 and under $19	127	1	.....	.....	.....	.....	2	.....	12	.....	20	.....	51	.....	4	.....	28	.....	10	1
$19 and under $20	91	1	.....	.....	.....	.....	.....	.....	6	.....	14	.....	49	.....	3	.....	17	.....	2	1
$20 and under $21	68	.....	.....	.....	1	.....	.....	.....	7	.....	7	.....	31	.....	5	.....	14	.....	3	.....
$21 and under $22	63	.....	.....	.....	.....	.....	.....	.....	2	.....	6	.....	29	.....	1	.....	22	.....	3	.....
$22 and under $23	82	.....	.....	.....	.....	.....	1	.....	3	.....	9	.....	59	.....	1	.....	7	.....	2	.....
$23 and under $24	30	.....	.....	.....	.....	.....	1	.....	3	.....	3	.....	17	.....	.....	.....	5	.....	1	.....
$24 and under $25	56	.....	1	.....	1	.....	2	.....	3	.....	.....	.....	30	.....	.....	.....	17	.....	2	.....
$25 and over	112	.....	.....	.....	.....	.....	1	.....	6	.....	6	.....	58	.....	2	.....	32	.....	7	.....
Total	3,216	883	303	78	187	42	312	94	378	122	447	152	1,118	203	45	62	366	91	60	39
Median earnings	$13.00	$6.45	$3.70	$1.95	$7.50	$3.45	$10.10	$5.20	$12.45	$5.95	$12.90	$6.70	$15.30	$7.65	$15.30	$5.80	$16.80	$9.50	$18.00	$11.75

(Page 77.)

Illinois and Missouri.

U. S. Department of Labor. Women's Bureau. Women in the Candy Industry in Chicago and St. Louis. July, 1922.

In 1920 wages in general had reached the highest peak ever known in this country, as a result of the stimulus of war-time production and of the labor shortage. By February, 1921, however, wages were in an extremely unstable state, showing a downward trend and a barometric relation to the industrial depression. (Page 23.)

Unemployment was flooding the market with surplus labor. "Benefits" were fast changing into hardships. Wages of candy workers were dwindling considerably. Not only had definite cuts in rates averaging as a rule from 10 to 20 per cent caused a reduction in many cases but in many others curtailed factory schedules—an abridgment to 3 or 4 working days a week—were responsible for an even greater shrinkage in earnings. Piece workers were being handicapped in some instances by long profitless intervals when they waited for work, slow in coming because of lessened production. Another factor contributing to flabby pay envelopes was the discontinuance of attendance and production bonuses. Piece workers who formerly had been able to earn $20 to $30 or more a week were obtaining at the time of the investigation not more than one-half of these amounts and even less. (Pages 23-24.)

Week's earnings.

Even in a normal year wide variations in the weekly wages of women workers in the candy industry are to be expected, because of many modifying factors, such as the seasons of the year, the occupations of the women, the time and piece work system, the hours actually worked, employment in different establishments, the length of time in the trade, and even less obvious influences like the section of the United States where industrial establishments are located, and the economic conditions existing

in the country. Fluctuations are found in the earnings of an individual worker week by week in the year and also in the earnings of a number of women for any one week in the year. An analysis of the earnings of a large group of women for one week is possible from the following table, which gives the number of women in the various occupations who received certain classified amonnts: (Page 24.)

Table 6.—Week's earnings, by occupation[1]—late pay-roll period.

Week's Earnings	All women reported	Number of women earning each specified amount					
		Fore-women	Dippers	Machine operators	Packers and wrappers	Other occupations reported	Occupation not reported
Under $1	3	.....	.....	.....	2	1	.....
$1 and under $2	13	.....	.....	3	6	4	.....
$2 and under $3	40	.....	5	4	25	6	.....
$3 and under $4	23	.....	1	3	15	4	.....
$4 and under $5	18	.....	.....	.....	16	1	1
$5 and under $6	48	.....	7	10	24	6	1
$6 and under $7	33	.....	4	3	18	8	.....
$7 and under $8	41	.....	7	4	24	5	1
$8 and under $9	84	1	11	11	55	6	.....
$9 and under $10	92	.....	10	11	58	11	2
$10 and under $11	71	.....	10	6	44	11	.....
$11 and under $12	97	.....	9	16	64	7	1
$12 and under $13	140	.....	12	34	73	20	1
$13 and under $14	93	.....	9	15	57	12	.....
$14 and under $15	180	.....	16	35	94	34	1
$15 and under $16	178	.....	17	42	87	32	.....
$16 and under $17	138	1	20	42	58	17	.....
$17 and under $18	117	2	21	21	55	16	2
$18 and under $19	84	3	26	12	32	9	2
$19 and under $20	71	1	23	5	34	8	.....
$20 and under $21	64	5	18	3	27	9	2
$21 and under $22	30	2	15	4	8	1	.....
$22 and under $23	40	3	13	3	17	4	.....
$23 and under $24	23	2	9	2	10	.....	.....
$24 and under $25	23	5	9	1	5	3	.....
$25 and under $30	56	19	13	2	20	2	.....
$30 and under $35	21	9	5	.....	6	1	.....
$35 and under $40	4	3	.....	.....	1	.....	.....
$40 and over	7	3	4	.....	.....	.....	.....
Total	1,832	59	294	292	935	238	14
Median earnings	$14.65	$26.20	$17.45	$15.75	$13.75	$14.50	[2]
St. Louis							
Under $1	2	.....	.....	.....	.....	2	.....
$1 and under $2	21	.....	.....	4	11	6	.....
$2 and under $3	4	.....	.....	1	3	.....	.....
$3 and under $4	5	.....	1	.....	3	1	.....
$4 and under $5	6	.....	.....	2	3	1	.....
$5 and under $6	5	.....	1	.....	.....	4	.....
$6 and under $7	17	.....	4	2	8	3	.....
$7 and under $8	11	.....	2	1	7	1	.....
$8 and under $9	43	.....	1	10	29	3	.....
$9 and under $10	47	.....	5	10	20	12	.....
$10 and under $11	85	.....	9	16	47	13	.....
$11 and under $12	48	.....	12	6	26	4	.....
$12 and under $13	102	.....	23	17	37	25	.....
$13 and under $14	20	1	5	.....	11	3	.....
$14 and under $15	31	1	8	7	12	3	.....
$15 and under $16	29	1	8	1	18	1	.....
$16 and under $17	30	3	9	3	11	4	.....
$17 and under $18	15	2	4	2	5	2	.....
$18 and under $19	21	2	10	.....	7	2	.....
$19 and under $20	8	1	1	1	4	1	.....
$20 and under $21	11	5	2	1	3	.....	.....
$21 and under $22	2	.....	.....	.....	1	1	.....
$22 and under $23	8	4	3	.....	1	.....	.....
$23 and under $24	3	.....	2	1	.....	.....	.....
$24 and under $25	1	1	.....	.....	.....	.....	.....
$25 and under $30	.....	.....	.....	.....	.....	.....	.....
$30 and under $35	1	1	.....	.....	.....	.....	.....
$35 and under $40	2	2	.....	.....	.....	.....	.....
$40 and over	1	1	.....	.....	.....	.....	.....
Total	579	25	110	85	267	92	.....
Median earnings	$11.90	$20.30	$12.85	$10.80	$11.10	$11.00	.....

[1]Night workers not included. [2]Not computed, owing to small number involved.

(Page 25.)

This table shows the actual earnings during a current week in 1921—for the most part in the latter half of February[3]—for 579 women in 18 candy factories in St. Louis, and 1,832 women in 31 candy establishments in Chicago; that is, for a total of 2,411 women employed in 49 plants. It has already been pointed out that this season, preparatory to Easter, is normally one of increased activity in candy manufacturing, although secondary in importance to the fall trade, but that the production for Easter in 1921 was slackened below normal on account of the industrial depression. Earnings in many cases were reduced because of the great amount of lost time.

The median earnings—irrespective of any qualifications—of all women in St. Louis are $11.95, and of all women in Chicago $14.65; that is, in each case one-half of the workers received more and one-half less than this amount. The difference of $2.70 between the medians of the two cities indicates that the industry in Chicago was based for some reason on a higher wage scale than that prevailing in St. Louis, an indication that is crystallized into a fact by the figures in the ensuing discussion.

It is of interest to compare with the Chicago and St. Louis figures those obtained in the survey of the candy industry in Philadelphia in 1919. The median earnings of 1,246 women included in that investigation were only $10.30.[4] Apart from forewomen only 2.7 per cent of the women in St. Louis for whom wage data were gathered earned $20 or more a week, as contrasted with 12.2 per cent of the Chicago women and 4.9 per cent of the Philadelphia women earning such an amount. If $15 a week be taken as a measure—the approximate amount estimated by various minimum wage boards in the last few years as necessary for a living wage—it will be found that over three-fourths of the women included in St. Louis (77.2 per cent) earned less than this amount, as compared with 53.3 per cent in Chicago. The Philadelphia figures, taken for a period when the cost of living was somewhat less, show that four-fifths of the women surveyed (31.5 per

[3] A pay roll in March, 1921, was taken for four firms in Chicago.
[4] U. S. Department of Labor. Woman in Industry Service. Wages of candy makers in Philadelphia in 1919. Bulletin 4, 1919, p. 17.

cent) received less than $15 a week. Furthermore, if $10 a week be used as a line of demarcation, 27.8 per cent in St. Louis, 21.6 per cent in Chicago, and 45.3 per cent in Philadelphia failed to receive such a wage. The great difference here between the figures for Philadelphia on the one hand, and those for Chicago and St. Louis on the other, would make it appear that with the increase in cost of living, there was of necessity a rise in the lowest wage rates in the candy industry. Nevertheless, the proportion of women in Chicago and St. Louis who received inadequate earnings was sufficiently large to be of significance. (Page 26.)

Kansas.

U. S. Department of Labor. Women's Bureau. Bulletin No. 17. Women's Wages in Kansas. May, 1921.

This survey of wages paid to women in the industries of Kansas was made at the request of, and in cooperation with, the Industrial Welfare Commission of that State.

These records were taken for individual workers for the total period of their employment with the firm during the year beginning in June, 1919, and ending in June, 1920.

This period probably covers as high wage rates as have ever been paid in the country. (Page 7.)

Undoubtedly, then, the wage rates during the period for which figures were taken in the present survey can be considered unusually high, as there is no reason to suppose that Kansas did not share in the general movement toward increased wages which is indicated in the foregoing figures. (Page 8.)

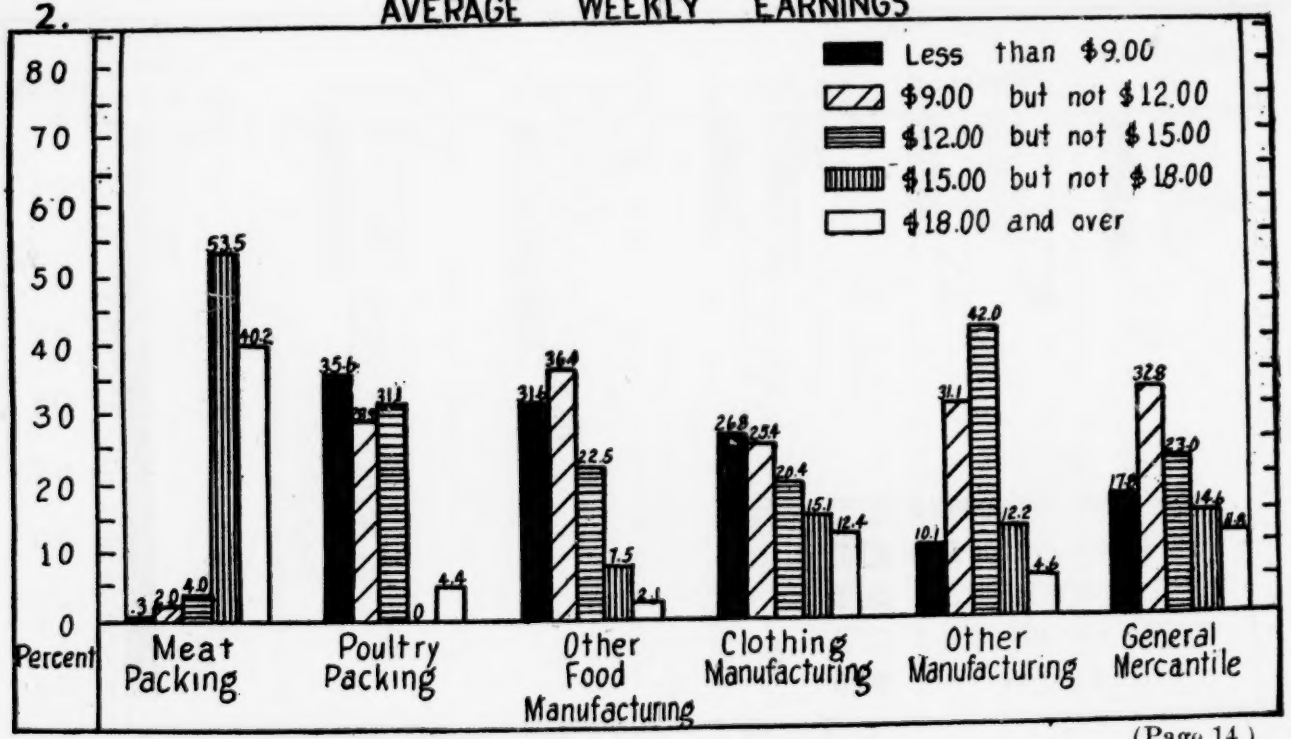
[This survey] covered 7,288 women, or more than one-fourth of the number listed in similar industrial groups in the 1910 census. (Page 10.)

The wages reported in this survey, therefore, may be considered representative of conditions in Kansas at their very best. They were taken at a time of high wage

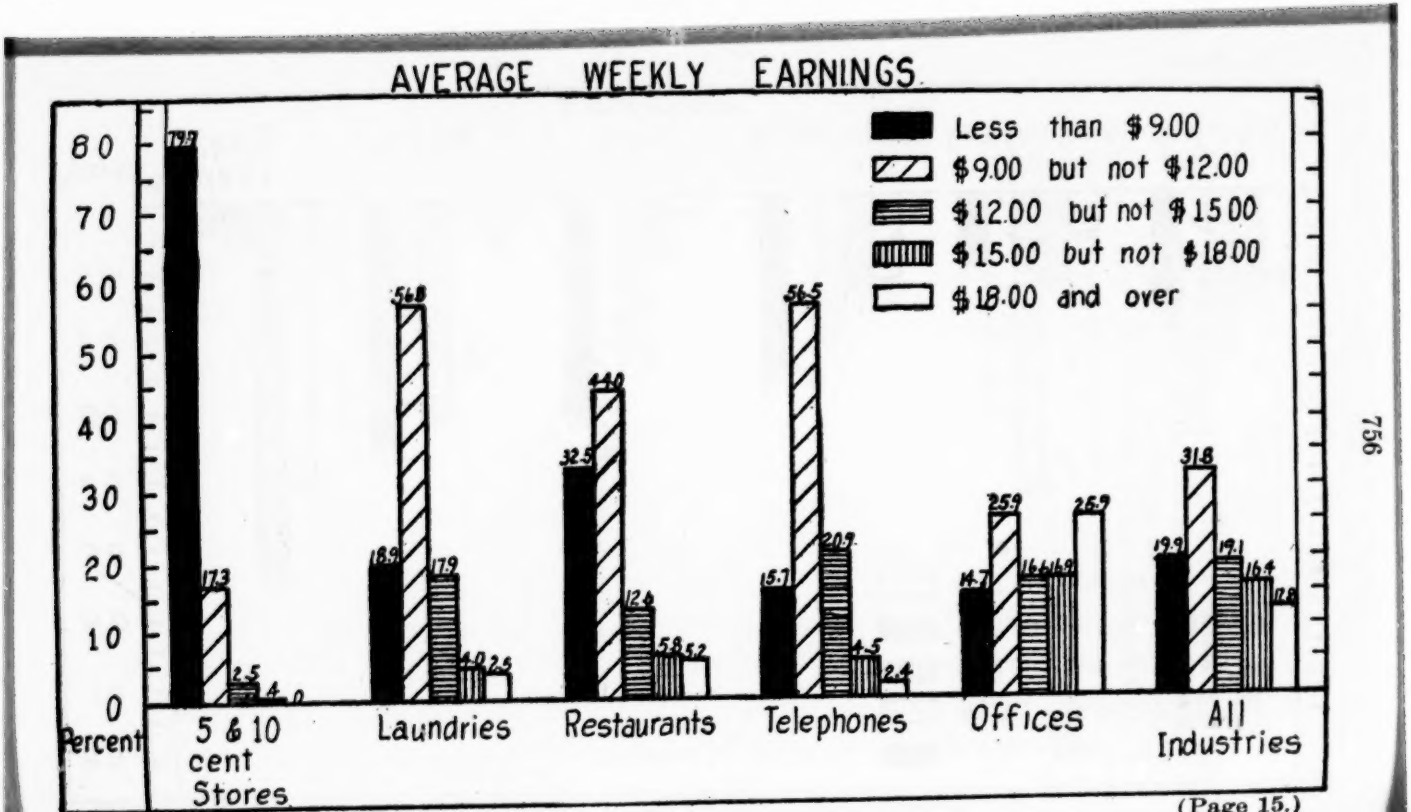
rates and steady employment, and schedules which might be considered unrepresentative were carefully eliminated.

. . . these [wage] conditions are probably the best that have ever existed in the State. The peak has been reached and passed and a survey taken now would probably show a standard of wages for women even less satisfactory than that which existed between June, 1919, and June, 1920. (Page 13.)

2.


AVERAGE WEEKLY EARNINGS
Less than $9.00
$9.00 but not $12.00
$12.00 but not $15.00
$15.00 but not $18.00
$18.00 and over
80
70
60
50
40
30
20
10
0
Percent
.3
2.0
4.0
53.5
40.2
35.6
28.9
31.1
0
4.4
31.6
36.4
22.5
7.5
2.4
26.8
25.4
20.4
15.1
12.4
10.1
31.1
42.0
12.2
4.6
17.8
32.8
23.0
14.4
8.8
Meat Packing
Poultry Packing
Other Food Manufacturing
Clothing Manufacturing
Other Manufacturing
General Mercantile

(Page 14.)


AVERAGE WEEKLY EARNINGS
Less than $9.00
$9.00 but not $12.00
$12.00 but not $15.00
$15.00 but not $18.00
$18.00 and over
80
70
60
50
40
30
20
10
0
Percent
79.7
17.3
2.5
4
0
18.9
56.8
17.9
4.0
2.5
32.5
44.0
12.6
5.8
5.2
15.7
56.5
20.5
4.5
2.4
14.7
25.9
16.6
16.9
26.9
19.9
31.8
19.1
16.4
11.8
5 & 10 cent Stores
Laundries
Restaurants
Telephones
Offices
All Industries

Summary of wage figures.

The alarming number of women who have, at this time of highest compensation, been receiving far less than a living wage should challenge the attention of every citizen of the State.

Weekly earnings:

Less than $9 a week was earned by—

19.3 per cent of the women in all industries.[1]
79.7 per cent of the women in 5-and-10-cent stores.
35.5 per cent of the women in poultry packing.
32.5 per cent of the women in restaurants.
31.6 per cent of the women in miscellaneous food manufacturing.
26.8 per cent of the women in clothing manufacturing.
18.9 per cent of the women in laundries.
17.8 per cent of the women in general mercantile.
15.7 per cent of the women in telephones.
14.7 per cent of the women in offices.
10.1 per cent of the women in miscellaneous manufacturing.
0.3 per cent of the women in meat packing.

Less than $12 a week was earned by—

50.6 per cent of the women in all industries.[1]
97.0 per cent of the women in 5-and-10-cent stores.
76.4 per cent of the women in restaurants.
75.6 per cent of the women in laundries.
72.3 per cent of the women in telephones.
67.9 per cent of the women in miscellaneous food manufacturing.
64.4 per cent of the women in poultry packing.
52.2 per cent of the women in clothing manufacturing.
50.6 per cent of the women in general mercantile.

[1] Exclusive of restaurants; not combined with other industries because of the custom of giving meals.

41.2 per cent of the women in miscellaneous manufacturing.
40.6 per cent of the women in offices.
2.3 per cent of the women in meat packing.

Less than $15 a week was earned by—

70.0 per cent of the women in all industries.'
99.6 per cent of the women in 5-and-10-cent stores.
95.6 per cent of the women in poultry packing.
93.5 per cent of the women in laundries.
93.2 per cent of the women in telephones.
90.4 per cent of the women in miscellaneous food manufacturing.
89.0 per cent of the women in restaurants.
83.2 per cent of the women in miscellaneous manufacturing.
73.6 per cent of the women in general mercantile.
72.6 per cent of the women in clothing manufacturing.
57.2 per cent of the women in offices.
6.3 per cent of the women in meat packing.

Less than $18 a week was earned by—

86.9 per cent of the women in all industries.'
100.0 per cent of the women in 5-and-10-cent stores.
97.9 per cent of the women in miscellaneous food manufacturing.
97.6 per cent of the women in telephones.
97.5 per cent of the women in laundries.
95.6 per cent of the women in poultry packing.
95.4 per cent of the women in miscellaneous manufacturing.
94.8 per cent of the women in restaurants.
88.2 per cent of the women in general mercantile.
87.6 per cent of the women in clothing manufacturing.
74.1 per cent of the women in offices.
59.8 per cent of the women in meat packing.

Annual earnings:

Less than $600 a year was earned by 28.6 per cent of the women in all industries.
$600 to $900 was earned by 42.2 per cent of the women in all industries.
$900 or more was earned by 29.2 per cent of the women in all industries.

(Pages 16-17.)

The earnings in the different industries varied considerably from a median of $17.50 in meat-packing establishments to $8.10 in 5-and-10-cent stores. Arranged in descending scale the industries investigated rank as follows:

	Median earnings.
Meat packing	$17.50
Offices	13.55
Miscellaneous manufacturing	12.70
General mercantile	11.95
Clothing manufacturing	11.75
Telephone	10.80
Poultry packing	10.70
Laundries	10.50
Restaurants	10.30
Miscellaneous food manufacturing	10.15
5-and-10-cent stores	8.10

(Page 25.)

Even the low standard of $11 a week which has been established by the Kansas minimum-wage awards is far from accepted in the industries of the State. The appalling size—nearly one-fifth of all the women included in the survey—of the group receiving less than $9 a week, and the fact that more than one-half of the women were receiving less than $12 a week, disclose a very serious situation for the women workers of the State. (Page 17.) There are no estimates available of the cost of living in Kansas, but it does not seem probable that it can be so

much lower than in other States as to justify the payment of less than $9 a week to one-fifth and less than $12 a week to more than one-half of the women in the industries of the State. (Pages 18-19.)

No industry can thrive at the expense of its employees, and no community can afford to permit such exploitation of its women workers. Pitiful economies which were resorted to in stretching an $8 or a $10 wage to cover even the chief necessities of life frequently were reported to the investigators during the course of this survey. One woman could not afford to pay for a room, so used that of her brother who worked at night and was only at home in the daytime, when she was away. Another, who was making an average weekly wage of $8.80, sewed for other people at night and on Sundays in order to make enough to pay for her own clothes.

Instances such as these can be multiplied many times, and still the whole story would not be told, for many of these women had dependents and on their meager wages must support not only themselves but others. The question of dependency is treated in another section of this report (pp. 53-79), but it must not be forgotten whenever wages for women are discussed, as it is now a thoroughly authenticated fact that women are more often than not the breadwinners for others besides themselves.

It would be a natural reaction to credit a low wage rate to the presence of a large number of foreigners among the group whose wages are being considered, while knowledge that a majority of the group were native-born Americans might very conceivably lead to the expectation of a higher wage rate. (Page 19.)

Nativity.

This table shows that the women in the Kansas industries are Americans, the product of American schools and with American standards of life. It shows that 91.1 per cent of those included in the survey were native-born white, while about 5 per cent were colored. Only 3.7 per cent were foreign born, a striking contrast to conditions

in some of the industrial centers where one must speak a foreign language to be understood in the workshop. This is especially true in the garment trades throughout the country, but in the Kansas clothing factories the female employees were 97 per cent American born.

Age.

A very young and therefore inexperienced group of workers, or an older than average group with the lessened ability which is so likely to accompany long years of work and increasing age, might very legitimately be considered the cause of a comparatively low wage rate. (Page 20.)

The contention that the women workers are generally young girls who will work a few years and then drop out of industry permanently is not substantiated by the figures in this table. Nearly one-half of the women were mature, being 25 years of age or over. There were more than twice as many women in the industries surveyed in Kansas who were over 20 years as there were less than 20 years of age, and there were almost the same number 30 years of age and over (1,817) as there were under 20 years of age (1,832). It was surprising to find 32.3 per cent of the women 30 years old or over and 44.8 per cent 25 years or over. Generally speaking, then, it was a group of mature women who earned the wages reported in the following pages. (Page 21.)

They (the wage-earners represented in this survey) are a large group of mature American-born women working in representative industries in all parts of the State. These women are the backbone of the communities in which they live. Their standards and well-being definitely affect the well-being of the State, for it is largely the women who translate a dollars-and-cents wage into standards of life and homes, and healthy, educated children.

Are the industries of the State handling their women labor in such a way as to make these women in industry a definite asset or are they exploiting them for a temporary profit to the industry but a permanent loss to the community? (Page 22.)

Conclusion.

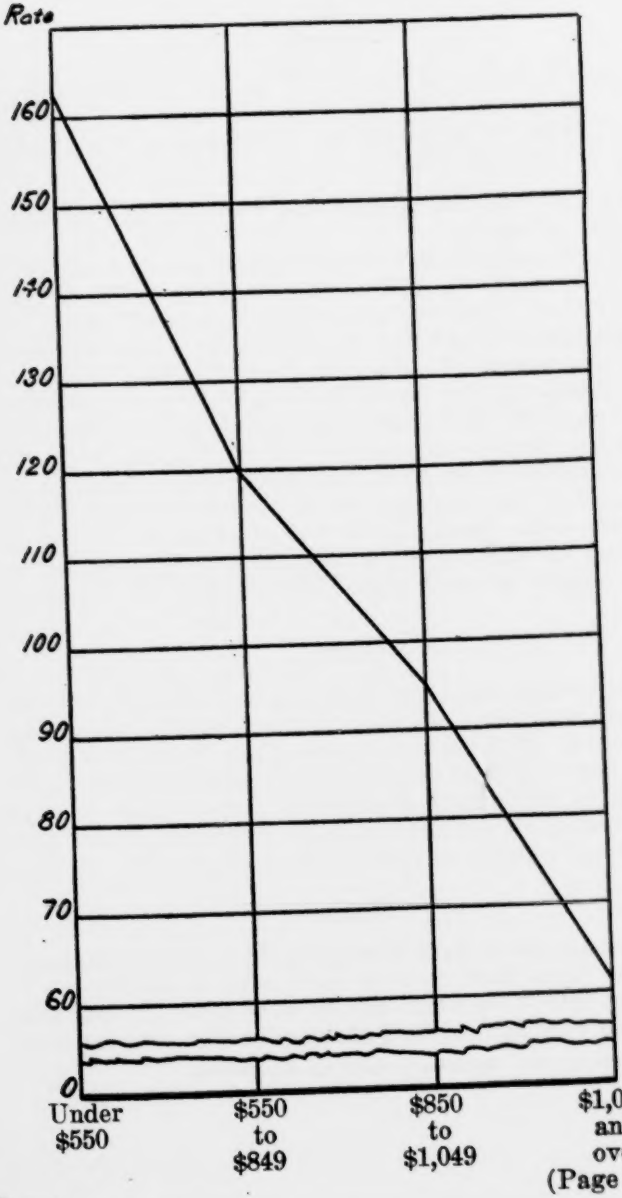
Annual earnings, weekly earnings, hourly earnings, all point to the same thing—the insufficient wage paid to the women in industry of Kansas. The next section of this report will make the case even more complete, when it shows what the responsibilities are which these women are struggling to meet. The story will be finished with the accounts of how many persons these women must support; of how many houses they must pay the rent; how many sick husbands, mothers, mothers-in-law, and other relatives, must be cared for as well as supported; and how many children are going to get a chance at a good education and start in life because of the efforts of their mothers and sisters. (Page 51.)

The main facts regarding the women in the industries of Kansas have been presented. There can be no denial that the wages of more than one-half of them are less than sufficient to maintain a satisfactory standard of life for one person. Indeed, nearly one-half of the women whose wages were reported in the survey were earning less than the $11 a week which has been set as a minimum for the manufacturing industries by the Kansas Industrial Commission. Besides their own support, moreover, many of these women have been shown to be carrying additional burdens in the form of complete or partial dependents or complete or partial responsibility for the maintenance of the family.

In the industries of Kansas these responsibilities, and the large share taken by women in upholding the standards of family life, have been ignored. This report shows the woman wage earner to be in many instances the responsible head of the family, and in many more instances an important contributor to the maintenance of others. If the cost of living is to be the basis of a minimum wage for women these facts must be taken into consideration. When this is done a more adequate standard can be assured which will not only protect the women from exploitation but will also make possible in the State a standard of living more in keeping with American ideals. (Page 82.)

Diagram I.

Combined Infant Mortality Rates for 8 Cities, According to Fathers' Earnings.



(Page 15.)

Kentucky.

U. S. Department of Labor. Women's Bureau. Hours, Wages and Working Conditions for Women in Industry in Kentucky. Preliminary Report. December 19, 1921.

This survey was made during October and November [1917]. (Page 1.)

The Census of 1920 reports 69,345 persons gainfully employed in the industries of Kentucky.[1] It is not yet stated what percentage of these persons were women, but estimating on a basis of the same proportion of women as was found in the group of those gainfully employed in industry in 1914 (13.5 per cent) there are probably between 9,000 and 10,000 women in this group. Omitting from the total of this survey the women who were employed in stores, laundries, and telephone exchanges—not included in the classification of "all industries" in the Census—there remain 7,751 women employed in the industries surveyed, a very fair proportion of the estimated total number of these women according to the Census of 1920.

Hours.

Scheduled hours for more than one-fourth of the women (26.2 per cent) were 10 a day, and for more than one-fourth (28.7 per cent) more than 54 hours a week. Such hours as these are a decided menace not only to the health of the women themselves, but to their efficient employment in ondustry, and the well-being of the community of which they form a part. (Page 3.)

Wages.

The figures on weekly wages paid to women throughout the State show an even more serious condition.

One-half of the white women were receiving less than $11.05 a week and one-half of the colored women less than

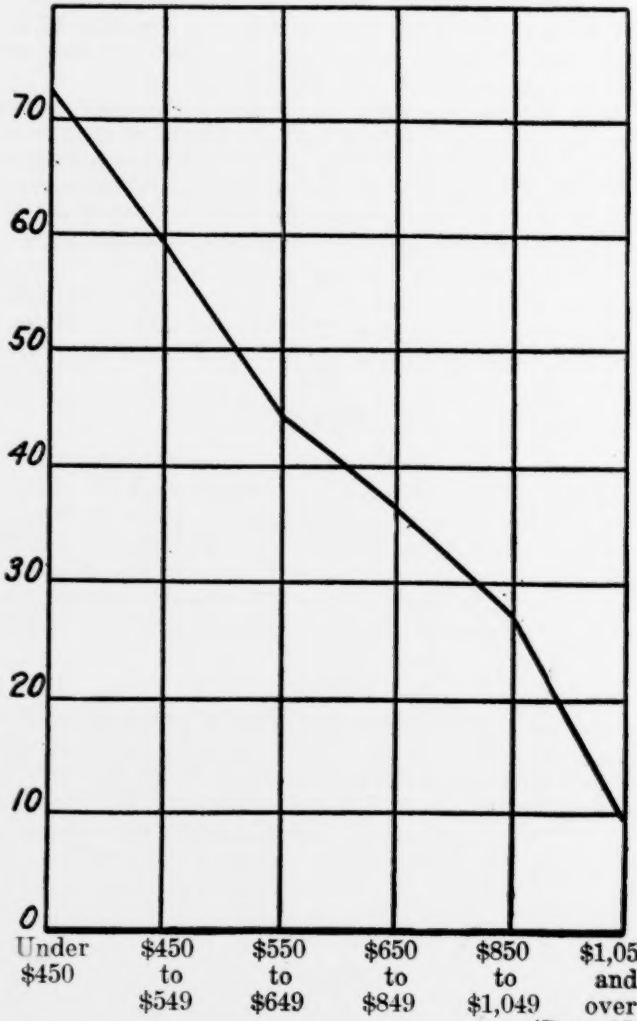
[1]Census of 1920. Preliminary report on manufactures.

$8.30. Even in those industries which ranked highest in the weekly earnings, large numbers of the women were receiving less than a living wage; as in the telephone exchanges, where half the women received than $14.30, and in the manufacture of metal goods, where half received less than $14.05. At the other end of the scale were the establishments manufacturing wooden boxes, where one-half of the white women earned less than $7.50 a week, and the 5-and-10-cent stores, where one-half of the white women earned less than $8.75.

Wages of colored women were on an even lower scale. In the three groups where they are employed in sufficient numbers to justify the drawing of conclusions as to wages —laundries and the manufacture of food and tobacco— half of them received less than $8.10 in laundries, $9.05 in food manufacturing, and $8.35 in tobacco manufacturing.

Diagram II.

Per Cent of Mothers Gainfully Employed in Manchester, N. H., During Year Following Baby's Birth When Fathers Earned Specified Amounts.



(Page 17.)

The results of such extensive underpayment of large groups of women—lowering the standard of living below the level not only of comfort but of health itself, and eliminating all chance of saving or provision for the future can not be too strongly emphasized. This form of exploitation of women for the benefit of industry—but at the expense of the community and of human life and happiness—is contrary to all standards, economic as well as social. The provision of an adequate wage is the first step toward the elevation of women in industry to a plane where due recognition is given the value of their work in the industrial world and of their health, vitality, and happiness in the community as a whole; and it seems to be a step which has not yet been taken in many of the industries of Kentucky. (Page 4.)

In selecting the week for which payroll records were taken, attempt was made to secure figures for a recent week which was representative of the usual working hours of the firm. (Page 9.)

Table 4.—Actual and Median Earnings of White Women, by Industry.

Weekly Earnings	Number of White Women Earning Each Specified Amount in the Manufacture of																	
	All Industries	Boxes, Paper	Boxes, Wooden	Clothing	Cordage	Food	Furniture	Metal Goods	Printing & Pub'g	Shoes	Textile and Knit'g	Tobacco, Cigars	Tobacco, Other	Misc.	General Mercantile	5-and-10c. Stores	Laundries	Telephones
Under $1....	40	3	..	3	..	7	..	..	..	4	1	3	13	2	1	..	1	2
$1 and under $2....	107	5	5	20	10	16	1	..	1	3	6	8	19	2	2	3	2	4
2 and under 3....	98	..	4	13	4	7	2	1	..	6	3	17	33	..	2	3	..	3
3 and under 4....	109	4	1	13	5	19	..	..	..	8	9	11	24	4	5	3	2	1
4 and under 5....	173	6	7	30	10	17	4	4	1	15	3	12	33	8	10	5	7	1
5 and under 6....	237	3	28	36	9	31	3	4	1	12	20	29	25	4	11	8	4	9
6 and under 7....	420	4	12	34	18	49	8	5	2	26	16	105	53	10	45	19	9	5
7 and under 8....	520	11	27	53	40	38	3	8	7	50	37	55	47	17	58	25	22	22
8 and under 9....	624	24	12	74	38	66	6	17	6	58	36	40	60	19	61	57	38	12
9 and under 10....	760	15	19	77	63	79	9	21	8	51	41	54	89	42	83	27	57	25
10 and under 11....	814	16	18	79	74	53	10	16	4	61	28	67	141	29	89	21	70	38
11 and under 12....	715	7	2	76	55	43	12	17	9	30	46	61	192	29	51	12	51	22
12 and under 13....	620	4	3	70	55	43	5	31	2	45	31	55	63	36	83	9	51	34
13 and under 14....	467	3	1	62	29	38	3	31	5	26	20	48	33	21	33	7	16	91
14 and under 15....	417	3	1	49	29	19	5	34	10	30	13	55	35	13	38	6	9	68
15 and under 16....	412	6	1	70	18	12	4	27	8	36	12	35	29	26	50	6	15	57
16 and under 17....	275	2	1	50	7	9	1	17	4	21	4	41	28	10	27	..	11	42
17 and under 18....	201	1	..	42	11	4	..	22	3	12	3	19	13	5	25	1	2	38
18 and under 19....	194	1	..	42	2	2	..	19	7	8	4	25	12	16	25	1	3	27
19 and under 20....	123	..	..	37	5	..	..	8	1	10	6	8	8	3	7	..	4	26
20 and under 21....	138	..	..	38	2	1	2	12	..	7	10	12	11	4	14	..	4	21
21 and under 22....	71	1	..	24	1	..	..	..	..	9	3	6	2	1	9	..	1	14
22 and under 23....	63	..	..	21	..	..	..	3	1	10	7	5	1	1	9	..	2	3
23 and under 24....	46	..	..	6	..	..	..	8	1	5	10	2	2	1	4	..	2	5
24 and under 25....	29	..	..	16	..	..	..	2	..	..	..	1	..	..	2	2	..	
25 and under 30....	110	1	..	55	..	..	..	4	1	6	2	3	2	..	29	..	3	4
30 and under 35....	37	..	..	10	..	..	..	1	1	2	2	2	..	1	17	..	1	..
35 and over.....	20	..	..	7	..	..	..	..	1	..	..	1	..	..	9	..	..	2
Total.....	7840	120	142	1107	485	553	78	312	84	551	373	780	968	304	799	215	387	582
Median Earnings.....	$11.05	$9.00	$7.50	$12.65	$10.60	$9.35	$10.30	$14.05	$13.20	$10.70	$10.50	$10.85	$10.60	$11.50	$11.65	$8.75	$10.75	$14.30

According to the figures given in this table the earnings of the women ranged all the way from less than $1 to $60 for the week's work. Those two extremes represent, of course, unusual cases which indicate nothing significant. It is significant, however, to find the massing of the women in groups of from five to eight hundred in the wage groups ranging from $7 to $12. In nearly every industry it is these wage groups that contain the large numbers of women, and it is from these groups that the prevailing standards of earnings may be judged.

In some industries the massing comes a little higher up the scale, and in some a little lower, but in most cases the variation is not very great. The following figures give the median weekly earnings of white women in each industry:

All industries	$11.05
Telephones	14.30
Metal goods	14.05
Printing and publishing	13.20
Clothing	12.65
General mercantile	11.65
Miscellaneous manufacturing	11.50
Tobacco, cigars	10.85
Laundries	10.75
Shoes	10.70
Tobacco, other than cigars	10.60
Cordage	10.60
Textiles and knit goods	10.50
Furniture	10.30
Food	9.35
Boxes, paper	9.00
5-and-10-cent stores	8.75
Boxes, wooden	7.50

Median earnings of $11.05 in all industries means that one-half of the white women in the industries of Kentucky earned less than $11.05 a week.

In the industry which employed the greatest number of white women, the manufacture of clothing, half of the

women received weekly earnings of less than $12.65 and of the next largest industrial group of women, 968 in the manufacture of tobacco, half received less than $10.60.

By any standard whatever, such earnings as these can not be considered adequate.

The Women's Bureau has conducted investigations similar to this one in three other States in very different sections of the country, and in no one of them were wages found to be as low as in Kentucky. In Kansas the median weekly earnings for women were $11.80, in Georgia $12.20, and in Rhode Island $16.85. Beside these figures the $11.05 median wage of Kentucky seems particularly striking as an instance of the condition with which the women wage earners of the State are confronted. Individual industries which show such figures as $7.50 and $8.75 as the rate below which one-half the women employees are earning, may perhaps be considered isolated instances of underpayment—deplorable it is true, but not necessarily representative of the conditions throughout the State. But when the combined industries, the so-called "well paid" together with the poorly paid, show a median rate as low as $11.05; when, grouping all of the wages, high and low, half of the women are found to earn less than $11.05; a challenge for action is laid down before the people of the community.

The wages of the colored women were even more insufficient than those of the white. Of the 1,253 colored women for whom figures were secured, half received less than $8.30 a week. The greatest number of these women (1,117) were employed in the tobacco industry, where half of them received less than $8.35. A fairly large group (77) were in laundries, where half of them received less than $8.10 a week. The rest of the colored women were scattered through the different industries in such small numbers that general wage figures can not be quoted for them. Except for 18 women in the tobacco industry, in only one case did the earnings of colored women exceed $15.00 a week. (Pages 11-12.)

The figures[x] in the accompanying table do not include all of the records which were presented in Table 4 of the memorandum, because for a large number of women records of hours actually worked were not available. Most of the women for whom such records could not be secured were piece workers, although some were time workers who worked in firms where no record of hours was kept. Between 35 and 40 per cent of the women employed in all industries were reported to be always or occasionally piece workers. Of those for whom hours were recorded approximately 9 per cent were piece workers. That the elimination of so many piece workers from the table giving hours and earnings should result in median earnings of $10.70, which is 35 cents less than the median of the earnings of all workers, indicates that the earnings of the piece workers were somewhat higher than those of the time workers. For this reason the higher median of earnings, $11.05, computed from the more inclusive table would seem to be the more representative figure. It is unfortunate that both earnings and hours could be secured for only so small a proportion of the piece workers, but the fact that when the earnings of all piece workers were included the median was only 35 cents higher makes their omission of little importance. (Page 1.)

This table shows without doubt that even for the women who had worked what might be called a full week —48 hours or more—the median earnings ranged only from $11 to $12.60. In fact it would seem, from the similarity in the median earnings of the women who worked hours ranging from 48 to 60, that beyond certain limits an increased number of hours worked does not result in a corresponding increase in earnings.

The following figures of the median earnings of the women in certain hour groups illustrate this condition, and show, in addition, that a large proportion of the women included in the investigation actually worked what might be considered a full, or practically full, week.

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x From "Supplementary Figures on Earnings of Women in Kentucky Industries" attached to the Preliminary Report.

Hours Worked	Per Cent of Women	Median Earning
42 and under 44	3.36	$10.50
44	1.97	14.00
Over 44 and under 48	12.76	10.55
48	9.89	12.60
Over 48 and under 50	7.30	12.05
50	16.44	11.00
Over 50 and under 54	13.45	11.70
54	3.23	12.10
Over 54 and under 60	11.43	11.35
60	1.86	11.15

In one case the median was as high as $14, but this was for only 108 women, 1.97 per cent of the total number for whom information was secured.

A median between $12 and $13 was found for three groups, those who had worked 48 hours (9.89 per cent), over 48 and under 50 hours (7.30 per cent), and 54 hours (3.23 per cent).

In all, 63.7 per cent of the women for whom complete data were secured worked 48 hours or over, and of these women one-half earned less than $11.55 during the week under discussion. Among the women who worked 48 hours or over there were 693, or 19.9 per cent, who earned less than $9. This means that *practically one-fifth of the women who worked 48 hours or more received less than $9.* At the other extreme were 16.7 per cent, or one-sixth, who earned $16 or more, 8.4 per cent who earned $19 or more, and 3.3 per cent who earned $25 or more. These figures show that even among those who worked what might be called a full week, 48 hours or more, the same thing is true that was found in the table giving figures of the earnings of all women. The massing of the women comes in those groups whose earnings were from $6 to $15, a slightly wider range than was indicated in the table giving only earnings but not different to any significant extent.

As it is seldom the case in any industry that every employee, without exception, works as much as 48 hours

in any one week, the median earnings of $11.05 which was found for all the women, irrespective of time lost, when compared with the median of $11.55 for women who had worked practically a full week, may be considered to be a fair representation of the opportunities open to women in industry in the State of Kentucky. (Page 56.)

Louisiana.

Louisiana. Department of Commissioner of Labor and Industrial Statistics. Tenth Biennial Report. 1919-1920.

The places inspected included offices of attorneys, dentists, doctors, insurance agents, shipping boards and similar places of employment. Department, dry goods, drug, shoe, grocery and other stores were visited. Box, candy, cigar, coffee, cotton and other factories were inspected. Cafes, hotels and restaurants were also included; hence it can be seen the inspection was of a general nature. In the places visited, 10,877 women workers were employed. Of the entire number, only 637, or scarcely six per cent of the whole, were receiving in excess of $17.00 per week, and by taking the earnings of all being paid more than this amount, we found the general average to be $21.97 per week. However, in our efforts to arrive at a general weekly average of the entire 10,877, the 637 receiving in excess of $17.00 per week, were not included for two reasons. First, ordinarily all such workers were either at the head of some department, or expert workers, or of the official or clerical force, and not commonly termed "workers," nor recognized as such among the employees. Second, to include this class of employees, would establish a general average out of just proportion, and not only be misleading, but absurdly untrue. To arrive at what we deemed a fair general average, we included all earnings from $4.00 to and including $17.00 per week, and we find it to be $8.01. These figures are based on statistics, some of which were gathered twelve months ago, while others were secured as late as the last month of 1919. The con-

tentions are now set forth that wages have been increased since that time until now the general average is practically $9.10 per week, but this office does not vouch for the correctness of same.

Of the 10,877 inspected, as before stated, 637 were being paid in excess of $17.00 per week; 2,930 received from $7.50 to $17.00 per week; 4,469 received from $6.50 and not to exceed $6.95 per week, while 2,841 were receiving less than $6.50 per week, in a few instances as low as $3.50, but in arriving at a general average, none were included at a less wage than $4.00 per week. (Pages 21-22.)

To establish a contention doubting the authenticity of certain statements that had been made, the Commissioner took the statistics furnished by seven large employing interests in one of the busy commercial centers, and in whose places work was given 1,318 women, which showed their wages to be as follows:

4 receiving less than $4.00 per week.
60 receiving $4.00 to $4.50 per week.
212 receiving $5.00 to $5.50 per week.
298 receiving $6.00 to $6.50 per week.
285 receiving $7.00 to $7.50 per week.
315 receiving $8.00 to $8.50 per week.
144 receiving $9.00 to $9.50 per week.

The general average of the above is $7.23 per week, and it is only fair to assume this is a fair average and generally in accord with the prevailing wage throughout the State, in similar occupations, and among those being paid the rates included above, that is, from $4.00 to $9.50 per week. (Page 22.)

Where wages are so low as to deny the worker the actual necessities of life, such a condition is not only a menace to health, but a sad reflection on the employers and the state as well. The Commissioner, for the sake of argument, is willing to admit that the present average is $9.10, as claimed. How far will this paltry sum go toward providing a home, paying rent, supplying groceries and other necessities for the household? And

statistics show the majority of women workers are the main support of the family. The reply is so easy any school child can answer. Other than to say, where wages are so low the workers are underfed, and denied reasonable comforts and deprived of every recreation, and whose work becomes a monotonous grind for lack of peace of mind, all such are simply eking out an existence, a dissatisfied employee, and often a poor investment, even though ofttimes reluctantly so admitted, this very serious condition is agreeably left to the thoughtful consideration of the law-making bodies for some solution. (Pages 22-23.)

Massachusetts.

Massachusetts Minimum Wage Commission. Sixth Annual Report, 1918. January, 1919.

Rates of payment for women employed in cotton textile industry in Massachusetts.

(Based on pay-roll records, for 55 establishments, January to June, 1915, and January to June, 1917)

Year	Number and Cumulative Per cent. of Women with Weekly Rates of—														Mass. Wage Boards' Contemporaneous Minimum Cost of Living Budgets
	Under $4	$4 and under $5	$5 and under $6	$6 and under $7	$7 and under $8	$8 and under $9	$9 and under $10	$10 and under $11	$11 and under $12	$12 and under $13	$13 and under $14	$14 and under $15	$15 and over	No. Investigated	
1915 Number	48	339	957	1,879	1,614	1,626	833	461	183	26	4	....	3	7,973	$8.77 (Laundry)[1]
Cumulative per cent.	.6	4.8	16.8	40.4	60.6	81	91.4	97.2	99.5	99.8	99.9	99.9	.1	.. .	March, 1915
1917 Number	6	20	105	317	554	1,526	1,643	1,170	1,322	1,375	651	467	435	9,591	$10.00 (Men's Clothing)[2] July, 1917
Cumulative per cent.	1	3	1.4	4.7	10.5	26.4	43.5	55.7	69.5	83.8	90.6	95.5	4.5	....	$10.45 (Men's Furnishing)[3] Oct., 1917

(Computed from pages 13 and 14.)

[1]Third Annual Report Massachusetts, Minimum Wage Commission, 1915, p. 11.
[2]Statement and Decree Concerning the Wages of Women in Men's Clothing and Railroad Factories in Massachusetts (page 2).
[3]Statement and Decree Concerning the Wages of Women Employed in the Manufacture of Men's Furnishings (page 2).

Massachusetts. Minimum Wage Commission. Bulletin No. 17. Wages of Women in Hotels and Restaurants. September, 1918.

From 65 restaurants a complete transcript of the payroll record was taken for each woman employed during the fifty-two week period preceding the beginning of the investigation. These wage data concern 2,816 women. In addition, wage information for one week in the year was taken from 19 restaurants open all the year round, and from 3 open only in summer. (Pages 13-14.)

Rates of Payment. The wage situation in hotels and restaurants is complicated by the fact that payment in other forms of compensation, such as meals and lodging, is made in addition to a money wage. 1,453, or almost two-thirds (60.3 per cent.) of the 2,411 women employed in hotels open all the year round, were furnished with lodging and three meals a day. The second largest group, consisting of 824 women, or one-third (34.2 per cent.) of the total number employed, received three meals but no lodging. As might be expected, the proportion of those receiving lodging in addition to wages is largest in the housekeeping department, that is, among the housekeepers, linen-room girls, chambermaids, and cleaners. Over three-fourths (78.7 per cent.) of the women employed in the housekeeping department were found to "room in," while only about one-third (35.8 per cent.) of the dining-room employees had lodgings furnished. Very few dishwashers, cashiers, checkers, or waitresses received lodging in addition to pay.

Hotel employees who are provided with room and board are also relieved of the expense of car fares to and from their work, yet there remain necessary expenditures for clothing (including aprons and uniforms), laundry, doctor, and dentist, church, recreation, vacation, and other incidentals. According to the estimates of the various wage boards established by the Commission,

these expenses would average about $3.50 a week.* This estimate, however, makes no allowance for time lost through illness, unpaid vacations, unemployment, and shifting from job to job, all of which tend to cut down actual earnings. Since, as shown by the tables relating to annual earnings and fluctuation of employment, work in hotels is markedly unsteady, an additional amount of at least 50 cents a week would be required to cover the expenses of the probable average period of involuntary unemployment. This amount would, of course, not cover the expenses of any serious illness or abnormal period of unemployment, but would merely insure workers of a sum sufficient to cover their living costs during two or three weeks of vacation, illness, or lack of work. Workers who were given both board and lodging should therefore have received in addition a money wage of not less than $4 a week. It was found, however, that 29.0 per cent. of this group received less than this amount. This number included three-fifths (60.3 per cent.) of the waitresses, nearly two-fifths (38.9 per cent.) of the chambermaids and kitchen girls, about one-third (31.7 per cent.) of the cleaners, and 33.3 per cent. of the parlor maids. (Pages 16-17.)

For girls who were given three meals a day but no lodging, a money wage of at least $7 a week would have been required to cover the minimum cost of decent living, since the cost of a heated room and car fare to and from work would have meant an additional expense of about $3 a week. Yet it was found that 85.4 per cent. of the workers in this group received less than that amount. This number included all of the parlor maids and cleaners, over 95 per cent. of the waitresses, kitchen girls, and chambermaids, and a considerable proportion of the workers in other occupations.

In general, it was found, as might be expected, that wages were highest in the most skilled and responsible occupations, such as those of head waitress, cashier, cook,

*The average of the minimum cost of living budgets of the various wage boards, exclusive of the allowance for room and board, and for carfare in excess of 10 cents a week, amounts to exactly $3.51.

and housekeeper. The lowest wages, on the other hand, prevailed chiefly in occupations in which wages were customarily augmented by tips, as in the case of waitresses and chambermaids. An exception, however, is found in the case of kitchen girls, cleaners, and waitresses in help's hall, who, although also among the lowest paid of hotel employees, seldom receive any tips. (Pages 17-18.)

Money wages were considerably lower in the summer hotels, where two-thirds (67.7 per cent.) of the employees were paid less than $4 a week as compared with only one-fifth (19.3 per cent.) of the total number in the all-year hotels. A possible reason for the larger proportion of low-paid employees in summer hotels is that they are more generally expected to augment their wages by tips. Both this explanation does not account for the low wages of many workers, such as dishwashers and kitchen girls, who are not in a position to receive any tips. (Page 19.)

As shown by the following table, which summarizes the facts regarding rates of wages paid in hotels and in restaurants, workers in restaurants not only received a considerably higher money wage, as would be expected from the fact that in hotels living is more generally provided in addition to wages, but also a higher actual wage. This fact is brought out by a comparison between the wages paid to workers who received three meals but no lodging in restaurants and in hotels open all through the year. (Pages 20-21.)

It is difficult to estimate accurately the value of meals received. In some restaurants workers were furnished with twenty-one meals a week, while in others, run on a six-day basis, they received only eighteen meals. The estimates given by employers of the value of meals ranged from $3 to $5.25 per week for three meals a day. Many employers were unable to place a cash value upon meals, and several explained that their figures were low because they had not been revised since food prices had increased. The frequent change in shifts also makes the money value of meals a variable figure. The situation is further complicated by the amount and quality of the food received. The State Board of Labor and Indus-

tries* received many complaints from hotel employees about the inadequacy and poor quality of the food served to them, and several of the restaurant workers interviewed by agents of the Commission reported that they found it necessary to supplement the meals furnished them by purchases of food outside the restaurant. (Pages 23-24.)

The Question of Tips.—In the effort to ascertain to what extent and how adequately money wages were augmented by tips, agents of the Commission secured personal interviews with 219 representative restaurant workers living in and around Boston.

It is important to note in any consideration of this question, that only a part of the women employed in restaurants, namely, those who wait upon the patrons, forming approximately 50 per cent of the total number, have any opportunity of receiving tips. Furthermore, in a number of Boston restaurants patrons do not give tips, either because they are requested not to do so or because the patronage of the establishment is of such a type that the practice is not usual. Out of the 128 waitresses and counter girls visited in this investigation, 37 girls did not receive anything at all in tips, for one or the other of the above reasons. Eighty-five reported that they received fees averaging from 25 cents to $15 a week. Eleven of this number, however, stated that the tips which they received did not amount to as much as $1 a week, and only one-half of those reporting fees received over $3 a week from this source.

In general, workers receiving tips stated that they would not like to have the custom abolished, yet those working in restaurants where patrons are requested not to tip seemed to appreciate the rule, by giving them a feeling of self-respect and a definite knowledge of what they could depend upon each week. In most cases women prefer an adequate money wage to the uncertainty of fees. Waitresses were emphatic in declaring that their returns from this source had diminished markedly since the beginning of the war. This is probably because of a

*Fourth annual report of the State Board of Labor & Industries, pp. 30, 31.

tendency on the part of patrons to reduce the increased cost of food by cutting down on tips. The common supposition that waitresses can afford to accept low wages because they receive large tips is disproved by the results of this inquiry. (Page 28.)

Expense of Uniforms and Laundry.—The expense of aprons and uniforms is also a question that deserves especial consideration in the study of the wage situation among hotel and restaurant employees. A special style of aprons is required of waitresses in the majority of establishments. A few restaurants supply their workers with them. For those who must buy them, the expense depends upon the style. If tea aprons are worn the outlay may be less than $1 a year; if large white aprons are required the cost is nearer $3 or $4. White waists and black skirts usually figure also in a waitress's clothing budget. At least one restaurant included in the investigation required a complete uniform, the yearly cost of which was reported as ranging from $7.20 to $11.25. Waitresses in most cases find rubber heels also an essential, and require from three to six pairs a year.

The laundering of aprons or uniforms is an expense which must be met weekly by the restaurant worker. A few restaurants pay for the laundering of aprons for dining-room employees; of the girls visited 78, or about one-third, reported some laundry done for them by the establishment. Many girls who wash their own clothes send out their aprons in order that they may be done well enough to suit the management. Those who reported this expense separately gave figures ranging from 16 cents to $1 a week, depending upon the style of uniforms or aprons worn. (Pages 28-29.)

Rates of payment for women employed in hotels and restaurants.*

Type of Establishment and Compensation Received in Addition to Wages	Percent. of Workers with Weekly Rates of—							
	Under $3	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over
Hotels Open All Year Round								
Lodging provided—								
Three meals	...	29.0	72.1	87.1	90.5	92.1	93.9	6.1
No meals	...	....	.....	18.2	18.2	18.2	100.0	.....
Number of meals variable or not specified	...	....	.....	.....	.....	.....	.....	100.0
No lodging provided—								
Three meals	1.6	5.3	58.9	71.8	85.4	88.6	91.1	8.9
Two meals	...	....	100.0	100.0	100.0	100.0	100.0	.....
One meal	...	....	.....	.....	33.3	100.0	100.0	.....
No meals	...	....	.....	45.8	47.9	58.3	81.3	18.7
Number of meals variable or not specified	...	....	.....	30.8	73.1	80.8	90.4	9.6
Total	.5	19.3	64.4	79.5	87.2	89.7	92.7	7.3
Summer Hotels								
Lodging provided—								
Three meals	.3	68.3	82.6	90.2	92.5	94.7	95.8	4.2
No lodging provided—								
Three meals	...	52.0	68.0	96.0	100.0	100.0	100.0	.....
Total	.2	67.7	82.2	90.4	92.8	94.9	95.9	4.1
Restaurants								
Three meals	...	.4	2.9	18.8	52.7	86.8	91.2	8.8
Two meals	.1	1.8	6.0	23.1	50.3	68.9	78.7	21.3
One meal	4.0	44.0	65.3	84.3	90.6	95.1	98.1	1.9
No meals	.3	13.6	17.2	23.6	27.2	27.6	29.7	70.3
Number of meals variable or not specified	...	9.5	9.5	28.6	66.7	81.0	81.0	19.0
Total	.8	9.6	15.9	31.6	56.1	77.5	82.8	17.2

(Page 22)

*Official Massachusetts Retail Millinery Wage Board contemporaneous minimum cost of living budget $11.64.

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. Report for the year ending November 30, 1920.

Wages of Women employed by firms manufacturing Druggists' Preparations, Compounds and Proprietary Medicines.

An inquiry into the wages paid to women employed in establishments manufacturing druggists' preparations, compounds and proprietary medicines was made by the Commission in the Spring of 1920. The field work for

this investigation was conducted in April. The time covered by the study is the three-month period, January through March, 1920. Agents of the Commission visited 50 establishments representing 10 localities. Pay-roll records for women employees for the three months specified were secured from 33 firms. Individual wage records were secured for 2,180 women employed by these firms. Of this number 1,485 records were available for tabulating average weekly earnings. (Page 11.)

The concerns engaged in this business are, for the most part, comparatively small, the majority employing less than 20 women. The scope of the industry is represented by such products as patent medicines for the cure or mitigation of disease, patent compounds not intended for medical use, perfumery and cosmetics.

The work performed by women in these establishments is mainly unskilled or semi-skilled. The majority are employed in filling, labeling and packing. In the smaller concerns there is little division of labor, the women changing from one process to another as need arises. The prevailing method of payment is by the week, 95 per cent of the entire number of women for whom records were used being on time rates. A few of the more skilled workers are on piece rates. These include the women with the highest earnings.

Of the 1,485 women for whom wage data were available, 88.6 per cent had actual earnings below $15 a week, and 68.5 per cent less than $12 a week. In the case of the adult women, 93.1 per cent were scheduled to receive less than $15 a week for full-time employment, and 21 per cent less than $12 a week. Since the majority of the workers are on time rates, the information secured regarding rates gives a fair idea of wage conditions in the occupation. For the majority of the women, both rates and earnings are below the minimum found by the wage boards in session during the past year as representing the necessary cost of living.

The first half of the year was characterized by a continued increase in the cost of living. (Page 11-12.)

Wages of Women employed in Establishments manufacturing Stationery Goods and Envelopes.

A study of the wages of women employed in the manufacture of stationery goods, envelopes and miscellaneous paper products was made by the Commission in May following the completion of the field work in the study of druggists' compounds and proprietary medicines. This investigation covered 11 cities, and included visits to 36 establishments. Payroll records for women employees for the three-month period, February through April, 1920, were secured from 26 firms and for 2,851 individuals. Of these records, 2,256 were available for tabulation.

The establishments included in the study manufacture commercial paper, letter heads, tablets, pads, notebooks, stationery, tissue paper, filing equipment, greeting and colored post cards, calendars, crayons and envelopes. Women comprise nearly two-thirds of the working force in the industry. A considerable part of the work performed by women is represented by machine tending and bench work. Approximately two-fifths of the women employed are machine operators. Some of the processes involve considerable skill; others are semi-skilled mechanical operations. There is consequently marked contrast in the earnings of the different groups of workers.

Over one-half of the women are on piece rates. These include a majority of the machine operators, and represent the highest paid workers. From the tabulation of the wage returns it appears that 23.5 per cent of the women have earnings of $18 and over a week. On the other hand, 55.5 per cent have earnings below $15 a week, and 27.4 per cent earnings below $12 a week. Of the 1,158 women for whom rates were available, 64.2 per cent are scheduled to receive less than $15 a week, and 11.3 per cent less than $12 a week. The contrast between these workers and the skilled employees is marked. Of the 976 piece-rate workers, only 21.5 per cent have potential earnings for full-time employment below $15 a week. In connection with the figures, however, it should be remembered that they represent not actual earnings, but possible

earnings under the most favorable conditions. (Pages 12-13.)

Minnesota.

Women in Industry in Minnesota in 1918. Field Investigation Carried on by Women in Industry Committee, Council of National Defence and Minnesota Bureau of Women and Children. 1920.

A careful analysis of the data presented in the present report warrants the following conclusions:

1. Seventeen thousand four hundred and fifty-nine women workers out of a total of 51,361 or 34.05 per cent received less than a minimum subsistence wage and 19,244 or 37.49 per cent of these 51,361 wage earners received a "minimum subsistence" wage.

6. While we cannot draw any positive conclusions as to the rate of increase in wages that had taken place during the war, it is clear that a disproportionate number of women were receiving a wage below the minimum of subsistence and that these low wages were frequently needed to assist in the support of the family of the wage earner. (Page 35.)

As there has been no recent census of women in industry, it is impossible to estimate with any degree of accuracy the proportion of the women wage earners represented in this inquiry out of the total number of women wage earners in the state of Minnesota at the time of the investigation. (Page 6.)

Table II. Showing occupational classes according to weekly wages of women workers.

Number Earning Specified Wages by Industry.

Weekly Wages Earned	Total Number of Women	Industry				
		Manufacturing	Mercantile	Telegraph and Telephone	Service	All other Industries
Under $3..	109	15	31	1	51	11
3..	169	28	45	14	54	28
4..	414	33	102	19	217	43
5..	1,309	112	258	48	748	143
6..	2,016	472	567	84	712	181
7..	2,211	755	556	139	610	151
8..	4,640	2,013	1,089	322	859	357
9..	6,591	2,790	2,166	632	670	333
10..	6,437	2,511	1,944	620	550	812
11..	3,271	1,371	727	539	181	453
12..	4,253	1,775	1,369	146	243	720
13..	2,758	973	712	206	172	695
14..	2,525	962	641	75	314	533
15..	3,553	1,085	1,027	86	223	1,132
16..	1,574	597	346	61	48	522
17..	1,135	433	260	25	32	385
18..	1,884	579	447	29	70	759
19..	954	199	171	30	47	507
20..	1,193	271	320	21	39	542
21..	626	110	74	14	25	403
22..	429	70	56	5	6	292
23..	496	87	90	6	15	298
24..	148	26	24	2	7	89
25..	783	84	167	2	109	421
Over 25..	698	109	107	5	56	421
No wage given..	1,185	350	312	36	190	297
	51,361	17,810	13,608	3,167	6,248	10,528

If we may venture a classification of the wage groups represented in the present investigation as indicated by the above table, we would suggest the following group-

ing as indicative of the relation between the wage and the standard of living possible within these wage groups:

Wage Group.	Economic Class.
Below $10.00 per week.	Below subsistence line.
$10.00-$14.00 per week.	Minimum subsistence.
$15.00-$19.00 per week.	Normal subsistence.
$20.00 and over.	Normal standard.

(Page 7).

Analysis shows that out of a total of 17,459 wage earners receiving less than $10 a week, the largest proportion are found in the manufacturing industries, with the mercantile employes next in importance. The remarkable fact, however, shown by this table, is that 34.05 per cent of all the women wage earners considered in this investigation received less than a minimum subsistence wage. With over a third of the wage earners studied receiving less than a subsistence wage, the effects of the war upon wages are not nearly as obvious as it has been claimed.

When we consider the minimum subsistence group of wage earners, we find that they include 19,244 or 37.49 per cent of the total number of women wage earners considered. In other words, 71.54 per cent, or very close to three-fifths of 51,361 wage earners considered, received sufficient wages for only a bare existence or less. The largest proportion of the wage earners receiving wages for a minimum subsistence is found in manufacturing industries. The workers included in the wage group designated as of normal standard include 4,373 or 8.53 per cent of the workers included in this study. This constitutes only one-twelfth of the half hundred thousand wage earners considered, most of whom were employed in industries outside of manufacturing or mercantile establishments. The classification we have attempted is perhaps out of proportion with the ordinary wages of pre-war times. It must be recognized that living costs have increased from 50 per cent to 55 per cent during the period preceding the war in 1914 and June, 1918.

This reduces the purchasing value of a $9.00 weekly wage to $6.00, and of a $14.00 weekly wage to $9.33, if we admit the increase in the necessities of life to have been only 50 per cent, and not 55 per cent. It should be remembered also that the lower the wage the greater the proportion spent for food; and the United States Bureau of Labor Statistics found upon investigation that between the midsummer of 1914, and June, 1918, the cost of 16 essential articles of food increased 62 per cent. (Pages 8-9).

Unskilled Labor.

[Analysis] shows a distribution of wage groups with 202 or 55.2 per cent of the 366 women wage earners receiving less than the subsistence wage, and 122 or 33.3 per cent with a minimum subsistence wage. In other words, 88.5 per cent of the women in the unskilled industries were receiving less than a wage sufficient for normal subsistence; and of this number, 240 or 74.1 per cent of the wage earners considered were over 26 years of age, while 99 or 30.5 per cent were between 26 and 35 years of age, or the age of highest productivity. (Page 14.)

Machine Operators.

As in the case of most women workers studied, there seems to be a disproportionate number of wage earners receiving less than $10.00 per week, as there were 689 women workers at this wage out of a total of 2,540 or 27.1 per cent. When we consider those receiving a subsistence wage of between $10.00 and $14.00 per week, we find that they constitute 1,156 or 45.5 per cent of the total machine operators studied. In other words, almost three-fourths of the total operators considered in this study received only a minimum subsistence wage or less, while only 103 or 3.9 per cent received a living wage or more. Of these workers only 752 or 29.9 per cent were less than 22 years of age. This would seem to indicate that among the operators as among many of the other workers, those who might be presumed to be only par-

tially dependent upon their own earnings because of their age, were not nearly as numerous as might be presumed. The figures of dependency discussed elsewhere only strengthen the accuracy of this contention, and verify the general conclusion regarding the unwarranted belief that much of the industrial wage of women workers is merely used to piece out incomes, but is not depended upon for full individual maintenance. (Page 17.)

Seamstresses and Sewing.

Of the total of 521 women wage earners engaged in this class of work, 128 or 24.6 per cent received less than a subsistence wage, while 319 or 61.2 per cent received a mere subsistence wage of between $10.00 and $14.00 a week. In all, more than 85 per cent of this class of wage earners received a mere subsistence wage or less. In the case of this group of workers, as in all others considered, there is no evidence of a large proportion of young girls working for pin money. (Pages 17-18).

Printers and Pressers.

While it is evident that only a comparatively small number of this class of wage earners (85 or 25.6 per cent) receive less than a living wage, the vast majority of them (223 or 67.1 per cent) receive a subsistence wage only. Considering the extent of the organization of this trade, and the skill and experience required, it seems that little advance has been made in the wages when 92.7 per cent of the workers receive a mere subsistence wage or less. (Page 18.)

Packers.

[Analysis] shows a very unusual number of young wage earners, as 278 or 65.6 per cent were less than 22 years of age, while the wages were commensurately low with 170 or 40.4 per cent receiving less than a subsistence wage and 187 or 44.1 per cent receiving only a mere subsistence wage. It is interesting to compare in this connection the wages of printers and pressers with wages of

packers which represent a comparatively unskilled occupation. In the case of the former we find a larger proportion of workers receiving a subsistence wage, but in the case of the packers the proportion of those receiving above the subsistence wage is 15.5 per cent as compared with the printers and pressers with only 7.3 per cent receiving more than a mere subsistence wage. When to this fact we add the greater maturity of the printers and pressers, we notice that skill has not been a very potent factor in determining wages, and that some means of standardizing is essential. (Pages 18-19.)

Saleswomen.

When we consider the distribution of wages in the above table, we find that 479 or 39.0 per cent of the wage earners in this occupation receive less than a subsistence wage, while 523 or 43.4 per cent of this group of wage earners received a mere living wage. We find, however, in this group of workers a reasonable proportion of workers receiving above a living wage to the extent of 56 or 4.5 per cent. It is also evident from the above table that age counts as a factor in the increase of wages.

Office Assistants.

It is clear from [analysis] that the wages of these workers are considerably above the average so far discovered, as only 243 or 12.7 per cent received less than a subsistence wage, while 347 or 18.1 per cent received $20.00 a week or more, which is a normal living wage under war conditions of prices. Even in this group, however, there were 1,050 wage earners or more than half of the total studied receiving a minimum subsistence wage or less. (Page 20.)

Stenographers.

[Analysis] shows several rather striking facts. The age distribution shows a constantly increasing number of workers with advancing age up to 35, while the num-

ber of those under 18 is negligible. The proportion of those receiving less than a subsistence wage was only 157 or 4.7 per cent, which is less than in any group of wage earners so far considered, while the proportion of those receiving over and above a mere subsistence wage was 2,155 or 65.5 per cent, the largest proportion so far found in any group of workers considered. The fact that only 32 out of the 157 stenographers receiving less than $10.00 a week were over 22 years of age, would seem to indicate that skill and experience play a rather important part in determining the wage in this class of work which, like the office assistants, represents a semi-professional group. (Pages 20-21.)

Bookkeepers.

[Analysis] shows that among the bookkeepers there were practically no workers receiving less than a subsistence wage, although there were 317 or 26.6 per cent of the bookkeepers receiving between $10.00 and $14.00 a week or a mere subsistence wage. It is interesting to note that 880 or 64 per cent of the workers considered were of the ages of highest productivity, as they range between 22 and 45 years of age. In point of wages, 517 or 43.5 per cent of these workers received a minimum living wage as compared with 1,392 or 42.3 per cent of the stenographers classed in the same group. When, however, we consider the bookkeepers receiving $25.00 a week or more, we find that they constitute 103 or 8.7 per cent of the total as compared with 157 or 4.8 per cent of the stenographers classed in the same group. While in the case of the bookkeepers, the proportion of those receiving less than a minimum subsistence wage was less than half the proportion of those receiving $25.00 a week or more, in the case of the stenographers the proportion of these two wage groups was equal. (Page 21.)

Telephone Operators.

It is evident from [analysis] that out of a total of 534 telephone operators 98 or 18.3 per cent received less

than a minimum subsistence wage, while 321 or 60.1 per cent received merely a subsistence wage. In other words, four-fifths of the telephone operators considered in this investigation were receiving wages which would cover the cost of mere subsistence or less. Of those receiving at the time of the investigation more than $14.00 a week, 82 out of a total of 115 were 22 years of age or more. The number of those receiving less than a minimum subsistence wage was four times greater than the number of those receiving a living wage.

General Office Help.

The wages received by the office helpers show a wide range of distribution. Those receiving less than a minimum subsistence wage numbered 342 or 19.0 per cent of the total, while those receiving a living wage or more numbered 200 or 11.1 per cent. The largest proportion was found, however, among those receiving a minimum subsistence wage. This group consisted of 901 wage earners or 50.2 per cent of the total. With seven-tenths of the wage earners in this group receiving a mere subsistence wage or less, the standard of remuneration can hardly be considered high, although it must be admitted that a large proportion of those employed in this field were comparatively young women. (Page 22.)

Cashiers.

While in the case of office helpers 71 per cent were under 26 years of age, the cashiers showed 216 or 58.4 per cent of the same age groups. On the other hand, the office helpers received less than a minimum subsistence wage in only 19 per cent of the cases, while the cashiers received such a low wage in 92 or 24.9 per cent of the cases. On the other hand, those receiving a living wage or more numbered 71 or 19.1 per cent as compared with 11.1 per cent in this wage group among the office helpers. On the whole, the majority of these workers still remain in the wage groups which permit of only minimum subsistence or less.

Foreladies.

It is surprising to find that despite the experience required in the performance of the duties of forelady (forewoman) 304 or 54.6 per cent were under 26 years of age. The wages of this group of workers vary only slightly from the other group, as 77 or 13.8 per cent received less than a minimum subsistence wage, and 212 or 38 per cent received a mere subsistence wage. In other words, more than half of this group of supposed experienced and skilled workers received a bare subsistence wage or less. Just what the duties of these workers are we were unable to ascertain from the data gathered. It is evident, however, that in a considerable number of instances the work is of such character as to command a fair wage, since 117 or 21 per cent of these wage earners received a living wage or more. (Page 23.)

Factory Workers.

[Analysis] shows that 1,387 or 58.9 per cent of this type of workers were less than 22 years of age, while there was a comparatively small number of these workers above 35 years of age. The wage distribution, however, is indicative of a very serious condition, with 1,108 or 43.8 per cent of the workers receiving less than a subsistence wage, and 1,122 or 40.4 per cent receiving a mere subsistence wage. Only 28 or 1.1 per cent received a normal wage which allows of a proper standard.

The discussion of the wage and age distribution among workers in specific occupations would seem to show that wages have remained during the war so low as to permit of little improvement in the standard of living; and that the majority of the workers are compelled to struggle with the problems of mere subsistence; and that only in comparatively few instances, and particularly in the semi-professional occupations, have wages reached a point where a normal living can be secured on the wage received. (Pages 23-24.)

Missouri.

U. S. Department of Labor. Women's Bureau. Hours and Wages of Women in Industry in Missouri. Preliminary Report. 1922.

In the 160 establishments for which information was secured there were employed at the time of the investigation 15,363 white and 1,537 negro women, a total of 16,900. These women were distributed through many different industries, and the following table gives the details of their industrial classification. (Page 4.)

According to this table the largest numbers of white women were employed in the manufacture of men's shirts and overalls (16.2 per cent) and shoes (15.2 per cent) and in the general mercantile industry (17.7 per cent). By far the greatest number of negro women were employed in manufacturing food products (53.0 per cent) and a large majority of these were in the nut shelling establishments of St. Louis.

Negro women did not figure prominently in any industries except the manufacture of food products, tobacco, bags, and laundries. (Page 5.)

In selecting the week for which pay-roll records were taken, however, attempt was made to secure figures for a recent week which was representative of the usual working hours of the firm so that the undertime represented would not be excessive.

This was not difficult, as managers and superintendents repeatedly stated that the period of depression was passing and that they were again operating on normal schedules. On this basis, the pages following give a statement of the earnings of the women of Missouri during a representative working week during April or May, 1922.

Earnings, by Industry and Locality.

From the foregoing table it is apparent that during the week studied one-half of the women in all industries

in the State earned more than $12.65 and one-half earned less. The medians by industries for the State range from $15.90 for electrical workers to $9.80 in 5-and-10-cent stores.

The figures for the various localities in the State show that the earnings were highest in St. Louis, with a median for all industries of $13.50; a slightly smaller figure ($13.35) was found in Kansas City, while the median for other places in the State ($10.40) was far below the standard for the two largest cities.

Among the 15 industrial groups the medians vary somewhat in St. Louis and Kansas City, and occasionally there are surprising vagaries in specific industry groups in the different localities. The highest figure—a median of $17.75—occurs in the Kansas City shirts and overalls manufacturing group, whereas a median of $8.85 occurs in this same industry group in "other places" in the State, including over one-third of the 4,404 women working in these smaller cities and towns. The median of earnings in paper products manufacturing in "other places" is higher than in the same industry for the total State. Median earnings are higher in Kansas City than in St. Louis in the manufacture of candy, shirts and overalls, and millinery, and in laundries. (Page 11.)

Earnings of Full-time Workers.

In the foregoing table has been shown the relationship between hours worked and earnings for the entire group of women studied in each community. But it has not yet been shown how the different industries reward their full-time workers, and these figures afford perhaps the most significant gauge for the standing of an industry in regard to wages. The requirements of the industry should have much to do with the amount of money paid to full-time workers, but detailed figures indicate that this is not always the case, and that fluctuations in earnings in different industries can be traced not to difference in the requirements of the work, but to local con-

ditions, the standards of individual employers, or to standards which the employes themselves have been able to require.

The following table 6 shows the median earnings of a selected group—those for whom it was reported that they had worked 48 hours or over, or on 5 days or more, a total of 8,816 in the State, 57.4 per cent of all women included in the survey. The figures on median earnings which are found in this table are based on detailed figures which have been compiled and which are so voluminous that it is impossible to include them in this short memorandum.

TABLE 6.—Median week's earnings of women reported as having worked 48 hours or more or on 5 days or more, by industry and by locality.

A. Women Reported as Having Worked 48 Hours or More.

Industry	State		St. Louis		Kansas City		Other places	
	Number of women reported	Median earnings	Number of women reported	Median earnings	Number of women reported	Median earnings	Number of women reported	Median earnings
Manufacturing:								
Bags	254	$12.60	134	$12.70	120	$12.50	.....	.....
Candy	81	12.90	38	12.90	40	12.65	3	(1)
Clothing, men's—								
Shirts and overalls	102	15.15	95	15.65	.....	.....	7	(1)
Suits	42	14.35	42	14.35	.....	.....	.....	.....
Drugs	201	11.95	201	11.95	.....	.....	.....	.....
Electric products	211	17.00	211	17.00	.....	.....	.....	.....
Food products	159	12.80	145	13.00	.....	.....	14	(1)
Millinery	78	17.35	78	17.35	.....	.....	.....	.....
Paper products	520	13.30	101	13.50	180	12.40	239	$13.75
Shoes	1,037	13.60	311	15.45	.....	.....	726	12.85
Tobacco	526	15.55	526	15.55	.....	.....	.....	.....
Miscellaneous	185	14.05	32	14.25	136	14.00	17	13.50
Laundries	174	11.45	68	12.00	14	(1)	92	10.25
Total	3,570	13.90	1,982	14.70	490	13.25	1,098	12.75

B. Women Reported as Having Worked on 5 Days or More.

Manufacturing:								
Candy	340	$13.70	.....	.....	213	$13.55	127	$14.10
Clothing, men's—								
Shirts and overalls	428	10.10	22	$12.60	7	(1)	399	9.85
Suits	1	(1)	.....	.....	.....	.....	1	(1)
Drugs	51	14.05	51	14.05	.....	.....	.....	.....
Food products	238	11.85	209	12.00	.....	.....	29	9.75
Millinery	486	14.95	342	14.25	144	15.35	.....	.....
Shoes	208	17.90	167	19.60	.....	.....	41	13.40
Tobacco	26	16.40	26	16.40	.....	.....	.....	.....
Miscellaneous	123	13.30	74	14.20	.....	.....	49	10.15
General mercantile	2,564	14.70	1,839	14.80	(2)	(2)	471	12.60
5- and 10-cent stores	396	10.00	206	10.50	111	9.90	79	8.60
Laundries	385	13.00	147	14.45	121	12.90	117	10.70
Total	5,246	13.60	3,133	14.40	800	13.85	1,313	11.45

[1] Not computed, owing to small number involved.
[2] Included in total but not shown here because only one firm is represented.

(Pages 12-13)

This table shows that considerably more than one-half of the women for whom figures were secured worked practically full time during the week under consideration, and that the earnings of one-half of these full-time workers were less than $13.60 or $13.90.

The lowest median for women who worked 48 hours or more was $11.45 in laundries; the manufacture of drugs, bags, food products, and candy ranked in the next lowest group, with medians ranging from $11.95 to $12.90; and the highest paid group, with median earnings of $17 and $17.35, were employed in the manufacture of electrical products and millinery. For women who worked on 5 days or more the lowest medians were in 5-and-10-cent stores ($10) and the manufacture of shirts and overalls ($10.10). Women manufacturing food products received a median of $11.85. The highest medians were in the manufacture of shoes ($17.90) and tobacco ($16.40). The other industries occupied a middle ground, with median earnings around $13 or $14.

In the three localities the differences in earnings for the women who worked 48 hours or more are not striking, except in the manufacture of shoes, in which industry the women had median earnings $2.60 less in "other places" than in St. Louis. The earnings of the women who worked five days or more, however, showed considerable divergence between St. Louis and "other places," the median earnings in St. Louis being greater by $2.75 in the manufacture of shirts and overalls, by $2.25 in the manufacture of food products, by $6.20 in the manufacture of shoes, by $4.05 in miscellaneous manufacturing, by $2.20 in general stores, by $1.90 in 5-and-10-cent stores, and by $3.75 in laundries. (Page 14.)

The higher median week's earnings of the piece workers contrasted with the earnings of time workers in most of the specific industries bears out the prevalent idea that piece work pays better than time work, although the median week's earnings for all piece workers in all industries averages only 5 cents more than for the time workers and only 10 cents more than for all women included in the survey in the "all industry" group.

It is surprising that the median week's earnings are lower for piece than for time work in both subdivisions of men's clothing and in miscellaneous manufacturing, which includes firms all of which belong to the needle trades. The low earnings for these piece workers are in part attributable to standards in locality, for 1,208 of them were employed in shirt and overall factories in "other places" in the State where their median week's earnings were about $8. However, 155 of the time workers in the same industry and geographic group had median earnings of $12. (Page 15.)

New York.

State of New York. Department of Labor. Special Bulletin. Weekly Earnings of Women in Five Industries (Paper Boxes, Shirts and Collars, Confectionery, Cigars and Tobacco, and Mercantile Establishments.) 1919.

The tabulated returns cover 623 establishments and 61,160 women, including 417 factories with 32,881 women and 206 mercantile establishments with 28,279 women. As nearly as can be estimated about 60 per cent of the women in those four industries are here represented, including about the same percentage for paper boxes and for shirts and collars, with about 67 per cent for confectionery and 57 per cent for cigars, etc. (Page 3.)

Up-state the reports were all for the week ended November 23, 1918, or for the payroll nearest thereto. In New York City the reports were for different weeks in the period from December 11, 1918, to January 10, 1919. (Pages 1-2.)

Girls under sixteen, as being likely to be learners or beginners, were left out of all the tables. (Page 2.)

Earnings	Percentage of Women who Received the Specified Earnings: Paper boxes	Shirts, collars	Confectionery	Cigars, etc.
Less than $ 6.....	8	11	17	5
" " $ 8.....	18	23	28	9
" " $10.....	36	38	51	17
" " $12.....	59	58	72	32
" " $14.....	77	72	85	46
$14 or over.....	23	28	15	54
$20 " "	2	5	2	21

(Page 3.)

The New York Factory Investigating Commission made an investigation of the wages of women in 1913 and 1914, the results of which were reported in Volumes 2 and 3 of its Fourth Report. In that investigation, among other data, earnings for a single week were secured for four of the five industries covered in the present investigation and for weeks in November or December, 1913, or January, 1914, in the case of New York City firms, and in May or June, 1914, for up-state firms. This makes very nearly a five-year period between the returns of the two investigations, thus affording evidence as to the increase in earnings in that time. (Page 5.)

There is no means of knowing to what extent the returns represent the same firms for both dates, but to the extent that the returns in each investigation are typical for their respective periods, and there is every reason to believe that they are, they are fairly comparable.

Using here the median* earnings for comparative purposes the very considerable rise in women's earnings during the five years may be seen in the following comparison:

Factory Industries:	Grade Containing Median Earnings 1913-1914	1918-19
Paper boxes	$6.50-$6.99	$11.00-$11.49
Shirts and collars.....	6.50- 6.99	11.00- 11.49
Confectionery	5.50- 5.99	9.50- 9.99
Mercantile establishments...	7.00- 7.49	11.50- 11.99

*The median earnings are those at that point in the scale of different earnings received such that 50 per cent. of the workers receive those earnings or less, or, vice versa, 50 per cent. receive those earnings or more. (Page 6.)

In the present instance the exact median earnings are not known, but only the grade in which they fall. However, the grade is narrow enough so that the median is apparent to within less than 50 cents of the actual. Under these conditions it is permissible for the purpose of a rough measure of the rise in the medium to take the middle point of the grade as representing the median earnings. That would be to take in the case of paper boxes, for example, $6.75 as the median for 1913-14 and $11.25 for 1918-19. On that basis it would appear that the median earnings of women has increased during the last five years 67 per cent in paper box factories and in shirt and collar factories, 70 per cent in candy factories and 62 per cent in mercantile establishments.

Report Submitted Relative to the Telephone Industry in New York State to His Excellency, The Governor of the State of New York. Prepared by The Bureau of Women in Industry. 1920.

In conference between officials of the Telephone Company and the Chief of the Bureau of Women in Industry, the week ending December 13, 1919, was decided upon as a typical period of time in which to study the pay-roll and the hours of the operating force. The hour and wage discussions which are considered in this report cover only this week. The labor turnover, however, is taken on a yearly basis for the year 1919, and in other parts of the report, wherever possible, records for the entire year are used. (Page 10.)

In the table showing the actual earnings of the operators, which include overtime earnings, it will be seen that the highest group was in the Manhattan Division, where 538 operators' earnings were from $18.00 to $19.00. In the Manhattan Division (Schedule I), beginning at $9.00, the schedule shows a gradual increase up to the 538 group and a decrease after the 538 group is reached. For Brooklyn and lower Bronx (Schedule II), the highest earning peak was reached by the $16.00 to $17.00 group, 329 operators receiving this amount. In Schedule

III, including lower Bronx, part of Westchester and Long Island, the highest earning peak was reached by the $16.00 to $17.00 group, where 105 operators received this amount. Under Schedule IV, including the larger up-state cities, the highest earning peak was reached by 289 operators who came under the $15.00 to $16.00 group. Under Schedule V, including such places as Binghamton, Dunkirk and Elmira, the highest earning group is reached also in the $15.00 to $16.00, 95 operators receiving this amount. Under Schedule VI, including the smaller cities, 56 received $16.00 to $17.00, which was the highest earning peak.

Based on a grand total of $10,731 operators—which figure excluded 188 operators whose earnings were unknown and 1,407 operators whose earnings could not be considered typical as absence made their earnings below the basic wage—the earnings fell like this:

336 received under $12.00.
1,983 received between $12.00 and $15.00.
2,997 received between $15.00 and $18.00.
2,485 received between $18.00 and $21.00.
1,976 received between $21.00 and $25.00.

After the $25.00 mark is reached, there is a gradual decline, only 110 persons on the operating force earning as high as $30.00 per week.

The Telephone Company by the increase in wages removed the weakest spot in its employment policy. There is no doubt in the mind of the Bureau of Women in Industry that the low wage rates and consequent low earning capacity of the operators had much to do during the year 1919 with the Company's high labor turnover resulting in inefficient service. (Page 37.)

The Bureau of Women in Industry, however, believes that the Telephone Company has not gone so far as it should on wage increase and other increases will be necessary if it hopes to retain a permanent, well-organized, well-disciplined force. (Page 38.)

New York. Department of Labor. Division of Women in Industry. Special Bulletin. The Employment of Women in 5 and 10 Cent Stores. September, 1921.

Seventeen cities were included in this study in addition to New York City and Brooklyn. These were divided into three schedules on a basis of population. New York City and Brooklyn were classed as the First Schedule. The up-state cities were carefully chosen as regards size and location and were divided into two schedules: those having a population of over 50,000 made up a Second Schedule, and those having a population of less than 50,000, a Third Schedule. Eight cities were included in the Second Schedule and nine in the Third.

A total of 70 stores was covered in these cities. Sixty were stores under chain management. Eight chains were represented, and 10 stores were independent enterprises. Thirty per cent of the stores and 46 per cent of the workers were in New York City and Brooklyn. Every effort was made to secure a representative group of stores, so that all chains operating in New York State would be represented. Small stores and large stores, situated in the business sections of cities and in suburbs and small towns, were included.

The study was supposedly limited to "5 and 10 cent stores" or those of similar character. This meant that an occasional small store calling itself a "3, 9 and 19 cent store," or "50 cent to $1.00 store," or "5 cents to $1.00 store," was included, but the problems in all were essentially the same. As a matter of fact, in many cases "5 and 10 cent store" proved only a good-will name. Merchandise up to $15 and $20, and sometimes more, was found for sale. Actual earnings and wage rates were secured by copying payrolls for a normal week. . . . These payroll periods fell between January 29th and March 12th. One-half were for the same week, that ending March 5, 1921. (Page 7.)

Seasonal Tendencies.

The 5 and 10 cent store is perhaps the store which suffers least in times of business depression. In fact, the business of the 5 and 10 cent store in certain localities is apt to show a decided increase in "hard times," due to the fact that people patronize the stores at that time who never think of doing so when times are prosperous. The combined value of sales in five of the large chains shows an increase in 1920 over the previous year of a little over $50,000,000; and it is significant that in February, 1921, the time when the country was supposedly in the throes of business depression, one chain declared a special dividend on common stock in addition to its regular dividend.

In December, 1920, the biggest month in the history of one chain, the sales amounted to $21,521,798, whereas the average sales for the eleven months preceding had amounted to approximately $10,850,000 each month. January and February seem to be poor business months from the sales records, but the Easter trade marks a rising point again, and the summer months are apparently as profitable as the spring and fall. (Page 11.)

A very few stores gave a discount on merchandise sold to their employes. One chain and several independent stores made a 10 per cent discount to employes, but the largest chains made no difference in prices to their workers. (Page 17.)

Hours and Wages.

The relationship of hours worked to the wages paid indicates that the best wages were in the stores with the shortest hours, and where the hours were longest the workers were paid less. (Page 37.)

Policies as to wage payment in the independent stores depend entirely upon the attitude of the individual owners. In the chain stores the local managers are instructed that they must keep their payroll figures within certain percentage limits in relation to their sales. This

is fairly carefully supervised, and if the payroll figures form too large a percentage of sales, the manager is subject to reprimand and to being told that he must immediately reduce his labor cost. The largest chains consider 8 to 10 per cent normal figures, although some chains allow 12 and 14 per cent.

Many of the managers complained that it was impossible to keep within the low percentages set for labor cost, and that this regulation prevented them from encouraging their girls with frequent increases or from getting girls who were interested in their work and anxious to make good. (Page 39.)

Of the total group of full time women workers, *exactly one-half received less than $13.49. Fifty-five and twelve hundredths per cent were receiving less than $14 a week, two-thirds received less than $15, and 99.09 per cent less than $30.*

There was a decided wage drop in each schedule for both men and women. The smaller the city apparently the lower the wage, although strange variations were found due to individual policies of local managers. In New York City and Brooklyn half the women received less than $14.92, and the largest single group of women received a wage between $12 and $13. In the up-state cities of over 50,000, half the women received less than $12.40, and the largest single group received approximately 50 cents lower than the corresponding group in the First Schedule. In the smaller up-state cities, half were being paid less than $10.30, and the largest single group received a little less than this amount. (Pages 45-46.)

Wage Rates of Full Time Saleswomen.

Of the full time women whose wage rates were analyzed, 1,298 were sales clerks receiving a flat wage. The wages for this group ran decidedly lower than for the total group of women, as the 216 clerical workers and floorwomen pulled the wage rates up. *The largest group of saleswomen received $12.56. and half received less than $12.91.* (Page 47.)

10. Wage Rates of Saleswomen and of Floor and Clerical Workers

Weekly Wage Rate	Schedule I						Schedule II						Schedule III						Total					
	Sales			Floor and Clerical*			Sales			Floor and Clerical			Sales			Floor and Clerical			Sales			Floor and Clerical		
	Number	Per cent	Cumulative per cent	Cumulative per cent	Per cent	Number	Number	Per cent	Cumulative per cent	Cumulative per cent	Per cent	Number	Number	Per cent	Cumulative per cent	Cumulative per cent	Per cent	Number	Number	Per cent	Cumulative per cent	Cumulative per cent	Per cent	Number
$6 to $6.99													3	1.77	1.77				3	.23	.23			
$7 to $7.99													1	.59	2.36	4.00	4.00	1	1	.08	.31	.46	.46	1
$8 to $8.99	2	.30	.30				1	.21	.21				33	19.53	21.89				36	3.77	3.08			
$9 to $9.99	1	.15	.45				33	7.05	7.25	1.25	1.25	1	41	24.26	46.15				75	5.78	8.86	.92	.46	1
$10 to $10.99	2	.30	.75				102	21.80	29.06	3.75	2.50	2	45	26.63	72.78	8.00	4.00	1	149	11.48	20.34	2.31	1.39	3
$11 to $11.99	1	.15	.90				93	19.87	48.93	5.00	1.25	1	16	9.47	82.25	12.00	4.00	1	110	8.47	28.81	3.24	.93	2
$12 to $12.99	170	25.72	26.62	1.80	1.80	2	114	24.36	73.29	15.00	10.00	8	17	10.06	92.31	28.00	16.00	4	301	23.19	52. 0	9.72	6.48	14
$13 to $13.99	85	12.86	39.48	3.60	1.80	2	50	10.69	83.98	20.00	5.00	4	5	2.96	95.27	40.00	12.00	3	140	10.79	62.79	13.89	4.17	9
$14 to $14.99	134	20.27	59.75				37	7.91	91.89	28.75	8.75	7	4	2.37	97.64				175	13.48	76.27	17.13	3.24	7
$15 to $15.99	123	20.12	79.87	11.71	8.11	9	17	3.63	95.52	41.25	12.50	10	2	1.18	98.82				152	11.71	87.98	25.93	8.80	19
$16 to $16.99	51	7.72	87.59	17.12	5.41	6	10	2.14	97.66	47.50	6.25	5	1	.59	99.41	64.00	24.00	6	62	4.78	92.76	33.80	7.87	17
$17 to $17.99	38	5.75	93.34	21.62	4.50	5	8	1.71	99.37	61.25	13.75	11	1	.59	100.00				47	3.62	96.38	41.21	7.41	16
$18 to $18.99	24	3.63	96.97	38.74	17.12	19	1	.21	99.58	70.00	8.75	7				96.00	32.00	8	25	1.93	98.31	86.95	15.74	34
$19 to $19.99	2	.30	97.27	44.15	5.41	6	1	.21	99.79	76.25	6.25	5							3	.23	98.54	62.04	5.09	11
$20 to $24.99	11	1.67	98.94	76.58	32.43	36	1	.21	100.00	91.25	15.00	12				100.00	4.00	1	12	.92	99.46	84.72	22.68	49
$25 to $25.99	6	.91	99.85	88.29	11.71	13				100.00	8.75	7							6	.46	99.92	93.98	9.26	20
$30 to $34.99				97.30	9.01	10																98.61	4.63	10
$35 to $35.99	1	.15	100.00	98.20	.90	1													1	.08	100.00	99.07	.46	1
$40 and over				100.00	1.80	2																100.00	.93	2
Total	661	100.00	100.00	100.00	100.00	111	468	100.00	100.00	100.00	100.00	80	167	100.00	100.00	100.00	100.00	25	1,298	100.00	100.00	100.00	100.00	216

* This group includes the 4 assistant managers and 1 window dresser.

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Here again the wage dropped as the size of the city decreased. In New York City and Brooklyn, the highest paid saleswomen received between $35 and $40. In the Second Schedule, the highest paid saleswoman received between $20 and $25; and in the Third Schedule, the maximum was $17. Only one woman received these amounts in each case.

Wage Rates in Different Chains and Stores.

The difference between wage rates in the different chains and in the independent stores varied in a wholly haphazard manner. Two of the largest chains had the same starting wage ($12) for New York City and Brooklyn. At the time the study was made, in one of these chains almost one-third of the women were still at this starting wage, and in the other chain one-fifth were at the starting wage, and one-fourth were receiving $14. In the Second Schedule, the starting wage for one of these chains was $8; for the other, $9. In the Third Schedule, the lowest starting wage was in one case $7, and in the other $8; and another chain in this schedule started their workers at $6, the lowest wage found. (Page 49.)

Cost of Living.

The cost of living has come to be a prime factor in the determination of wages. No matter how unscientific such a base may be, it hardly seems a matter for dispute that if people are needed for work, they must be paid at least enough to preserve health and strength to maintain their productive power and to live in decency.

It is impossible in this report to discuss in detail the relation of the wages in 5 and 10 cent stores to the cost of living, but if these wage rates are compared with the available figures on the cost of living in New York (both city and state), a very large percentage will be found to fall below the minimum requirements. (Page 64.)

Ohio.

Minimum Wage Study. Ohio Council on Women and Children in Industry. 1920.

A report recently issued by the Department of Statistics of the Ohio Industrial Commission gives a survey of wages paid to all employees in 20 industrial counties of the State. From this report we have selected the group classified as "females, 18 years of age or over" for the basis of our study.

The survey shows first of all that wages have not advanced proportionately to the cost of living. The Bureau of Labor Statistics shows that from December, 1917 to December, 1919 the increase in the cost of living was 35.24% in Cincinnati, 52.12% in Cleveland, 36.53% in Indianapolis, 58.02% in Detroit, 51.52% in Buffalo and 58.83% in Chicago. In no one of the 20 counties has the percentage of increase in wages equalled these figures. (Page 1.)

Table No. 2 shows the numbers and percentages of workers receiving less than $15 weekly in 1917 and 1919. Totaling the 20 counties and finding the average receiving less than $15 shows:

	1917	1919	Decrease
Wage earners	90.8%	61.9%	28.9%
Saleswomen	92.0%	72.0%	20.0%
Bookkeepers, Stenographers, Office clerks	71.8%	33.9%	37.9%

There is of course a decrease in the figures, but the fact remains that up until December, 1919, over half of our wage-earners and nearly three-fourths of our saleswomen were receiving less than $15 a week. (Page 2.)

Women's Wages and the Cost of Living. Ohio Council on Women and Children in Industry. December, 1921.

The Council analyzed the figures on wages sent in to the Industrial Commission of Ohio, by the employers

themselves. These figures represent the wage rates for the week of greatest employment during the year, and they include bonuses and commissions, and where board was provided it is included in the estimate of the wages. They do not give figures for establishments having fewer than five employees. Figures were reported for 240,630 working women in the State and the workers fell into the following wage groups:

Wage Groups of Ohio Women Workers in 1919.

$25 and over	6.8%	16,323
$21 to $25	7.9%	19,115
$18 to $21	12.8%	30,840
$15 to $18	20.3%	48,812
$12 to $15	24.3%	58,468
$10 to $12	13.7%	32,989
$ 8 to $10	9 %	21,612
Under $8	5.2%	12,471

Rhode Island.

U. S. Department of Labor. Women's Bureau Bulletin No. 21. Women in Rhode Island Industries. November, 1921.

The investigation was begun October 5 and continued until December 10, 1920. The significance of the investigation is evident in view of the industrial status of Rhode Island and the position of its women wage earners. Despite its small area the State is an important industrial center. The preliminary statement of the United States Bureau of the Census concerning the manufactures in Rhode Island for 1919 showed a consistent increase in manufacturing in all respects as compared with 1914, and among other items was a 23.1 per cent increase in the number of wage earners.[1] The 1920 census figures for the number and sex of the wage earners are not yet available, but the 1910 census showed that the number of females over 10 years of age gainfully

[1] U. S. Bureau of the Census. Manufactures in Rhode Island. Summary concerning the State for 1919. News release, June 8, 1921.

employed was large in proportion to the total number living in the State (32.1 per cent), a larger percentage, in fact, than in the neighboring States of Massachusetts, Connecticut, and New York.[1]

The Rhode Island factory inspection department showed that for 1919 the number of women wage earners over 16 years of age in the establishments inspected by the State was 64,031, and of those under 16 years, 3,948, making a total of 67,979.[2] These figures show an increase of 1,877 women during the year 1919 alone. (Page 1.)

Consequently, even though the wages in Rhode Island at the time of this investigation were nominally at the highest peak ever reached in the State, it will be clearly seen that they had only about one-half the purchasing power of the wages received in 1914, so that the weekly median already quoted for Rhode Island, $16.85, was about the equivalent of $8.43 a week in 1914. Another striking factor in the wage situation of November and December, 1920, was that although wage rates were still high, already the shadows of a business and wage depression were drawing over the industries included in this study. (Pages 25-26.)

The textile industry has been a strongly influential factor in causing recent variations in women's wages in Rhode Island. During the World War period textiles and other industries where women had been employed for many years were forced to raise wages to compete with the newer and more highly paid jobs opened up to women at that time. For some time after the close of the war the textile mills were able to keep up high wage rates, as the mills continued to operate at high speed not only with a full day force but in many cases with a large night force also. Such was true in Rhode Island as in other parts of the country and was of great significance in a place so definitely a textile center as this State. Certain figures compiled by the

[1] U. S. Bureau of the Census. Thirteenth Census 1910. V. 4, Population: Occupation statistics, p. 37.

[2] Rhode Island. Factory Inspection Department. Twenty-sixth annual report, 1919, pp. 5-7. Providence, 1920.

Bureau of Labor Statistics[18] are of interest at this point. These show that for women engaged in cotton manufacturing throughout the country there was an increase of 63.4 per cent in wages from 1918 to 1920. Rhode Island, with its 34,278 women engaged in the textile industry, naturally shared in this increase. (Page 26.)

Weekly Earnings.

The effect of several high-paid industries in Rhode Island in the raising of the median for all industries can be seen from a detailed wage analysis of the industries investigated. The median earnings for 7,780 women in the various industries for one week [representative of normal conditions in the plants, without a holiday or a slack period] in October or November of 1920 are shown in the following summary, taken from Table IV, page 64 of the appendix.

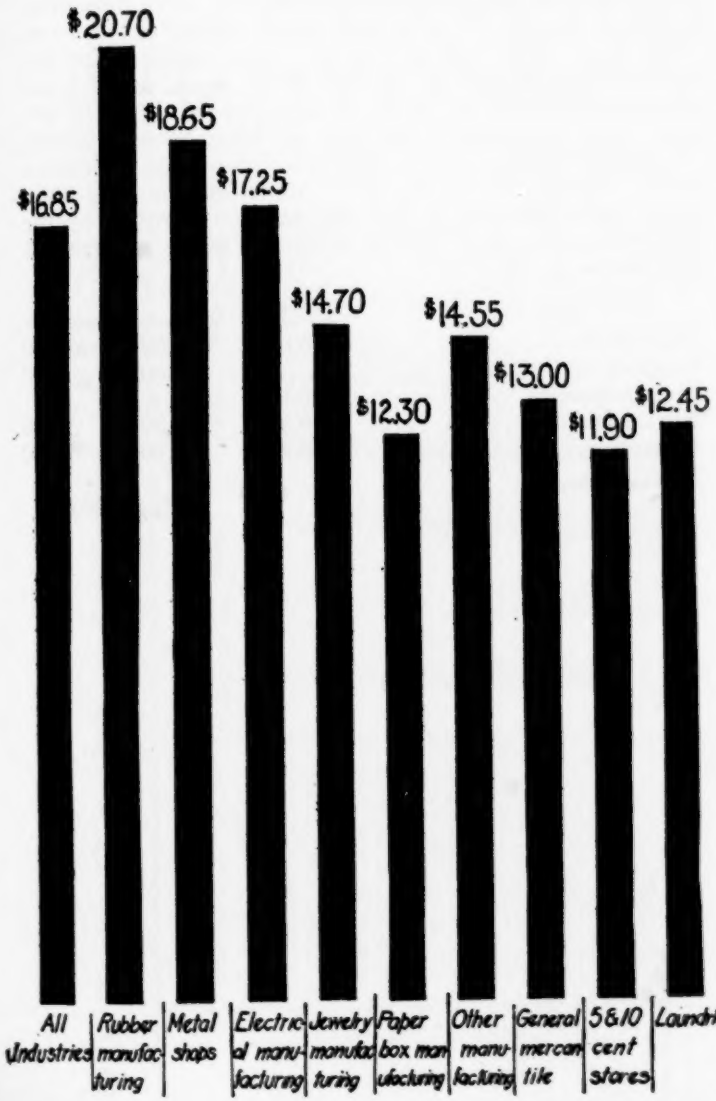
Industry	Median Earnings
Rubber manufacturing	$20.70
Metal shops	18.65
Electrical manufacturing	17.25
Jewelry manufacturing	14.70
Other manufacturing	14.55
General mercantile	13.20
Laundries	12.45
Paper-box manufacturing	12.30
5-and-10-cent stores	11.90
All industries	16.85

The median earnings for the 7,780 women for whom records were secured, both time and piece workers being included, were $16.85 a week; that is, one-half received less than this amount in the week taken and one-half received more. By far the highest earnings were in the rubber industry, with a median of $20.70, and the next highest were in the metal industry, with a median of

[18] U. S. Department of Labor, Bureau of Labor Statistics. Wages and hours of labor in cotton-goods manufacturing, 1907 to 1920. Monthly Labor Review, v. 12, No. 2, February, 1921, pp. 70-72.

$18.65. The fact that such earnings as these were received by the large numbers of women engaged in these two industries (49.9 per cent of the total number in the survey) increases to a marked extent the median for all industries. If rubber and metal manufacturing are omitted, the median for the rest of the manufacturing establishments is $15.10, $3.55 less than the median for metal shops and $5.60 less than that for rubber factories. (Pages 26-27.)

MEDIAN WEEKLY EARNINGS OF WOMEN



(Page 28)

It should be remembered that these figures represent the highest wages ever paid to women in these industries in Rhode Island. Of all women in all industries for whom wage data were obtained, nearly one-fourth (23.3 per cent) had earnings of less than $13 a week, and 7.7 per cent received less than $10. Almost two-thirds of the women (62.8 per cent) employed in 5-and-10-cent stores, laundries, and paper-box factories earned less than $13 a week. These were underpaid according to minimum-wage rates effective in several states, as proved by the following statement of the minimum wage required in the places specified:

State.	Manufacturing.	Mercantile.	Laundries.
California	$16.00	$16.50	$15.00
District of Columbia	.....	16.50	15.00
Massachusetts	a16.50	.....	.....
North Dakota	16.50	17.50	16.50
Oregon	13.20	13.20	13.20

a Paper box.

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Table IV.—Number of Women Receiving Each Classified Amount During One Weekly Pay-Roll Period, by Industry.

Actual weekly earnings.	All industries.		Rubber manufacturing.	Metal shops.	Electrical manufacturing.	Jewelry manufacturing.	Paper-box manufacturing.	Other manufacturing.	All manufacturing.	General mercantile.	5-and-10-cent stores.	Laundries.
	Number.	Per cent.										
Less than $2	14	0.2	4	.....	3	.....	3	3	13	.....	.....	1
$2 and under $3	34	.4	5	1	5	2	7	7	27	4	1	2
$3 and under $4	30	.4	8	6	2	4	1	7	28	.....	1	1
$4 and under $5	29	.4	6	1	4	3	4	7	25	4	.....	.....
$5 and under $6	46	.6	12	3	4	5	5	8	37	7	1	1
$6 and under $7	66	.8	6	1	11	7	11	14	50	12	4	.....
$7 and under $8	110	1.4	14	9	8	12	12	12	67	25	16	2
$8 and under $9	123	1.6	14	3	17	8	19	22	83	16	15	9
$9 and under $10	149	1.9	32	4	9	18	17	22	102	21	4	22
$10 and under $11	309	4.0	38	13	18	38	38	52	197	66	24	22
$11 and under $12	290	3.7	44	9	33	52	29	58	225	35	14	16
$12 and under $13	609	7.8	90	22	40	57	55	87	351	208	37	13
$13 and under $14	537	6.9	109	26	78	69	32	85	399	110	18	10
$14 and under $15	574	7.4	184	50	74	66	19	58	451	96	7	20
$15 and under $16	568	7.3	155	44	66	84	16	102	467	82	6	13
$16 and under $17	481	6.2	148	87	76	58	17	44	430	39	4	8
$17 and under $18	454	5.8	175	35	96	52	12	47	417	31	2	4
$18 and under $19	481	6.2	184	129	49	32	6	54	454	20	1	6
$19 and under $20	379	4.9	180	52	76	20	8	29	365	12	.....	2
$20 and under $21	410	5.3	185	104	45	16	5	34	389	18	1	2
$21 and under $22	295	3.8	181	22	51	11	3	18	286	6	.....	3
$22 and under $23	266	3.4	127	29	51	9	3	35	254	10	.....	2
$23 and under $24	233	3.0	148	37	24	7	3	11	230	1	1	1
$24 and under $25	248	3.2	173	20	46	3	.....	4	246	2	.....	.....
$25 and over	1,045	13.4	860	90	54	11	2	9	1,026	15	.....	4
Total	7,780	100.0	3,082	797	940	644	327	829	6,619	840	157	164
Median earnings	$16.85	.....	$20.70	$18.65	$17.25	$14.70	$12.30	$14.55	$17.85	$13.20	$11.90	$12.45

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Virginia.

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. February, 1920.

Virginia.—Bureau of Labor and Industrial Statistics. Twenty-second annual report. 1919.

The investigation covered department stores (including 5-and-10-cent stores, 25-cent stores, etc.), and dry goods and millinery establishments, and was confined to four cities, viz., Richmond, Norfolk, Lynchburg and Roanoke. The figures are for December 31, 1918, but will probably hold good for the year 1919, as there has been no material change in wages in these establishments during that year.

Out of a total of 2,468 persons employed in 138 establishments, covered by the investigation, 1,257, or more than 50 per cent, receive less than $12 per week; 718, or nearly 30 per cent, receive less than $10 per week; 223 receive less than $8 per week, and 19 receive under $3 per week. (Page 270.)

U. S. Department of Labor. Bulletin No. 10. Women's Bureau. Hours and Conditions of Work for Women in Industry in Virginia. March, 1920.

The median wage for the entire group of women [weavers in a silk mill] was $15.07, and the wage earned by the largest number of women (nine) was $12 or less than $13. Although, except for these interviews, the question of wages was not included in the survey, these figures indicate that the women of Virginia have more to contend with, in these days of the high cost of living, than poor working conditions and long hours. (Page 29.)

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. Wages and Hours of Women Employed in Mercantile Establishments in Virginia. February, 1921.

The following tables showing the classified weekly wages and the prevailing hours of labor of women employed in department stores and drygoods and millinery establishments in Virginia on April 1, 1920, are taken from the twenty-third annual report of the Bureau of Labor and Industrial Statistics of the State of Virginia (p. 108). The wage rates were reported by 206 establishments employing 3,720 workers.

Number of Women Earning Each Classified Weekly Wage in Department Stores and Drygoods and Millinery Establishments in Virginia on April 1, 1920:

Weekly wage rate.	In service less than 6 months.	In service more than 6 months.	Total.
Under $3.00	17	6	23
$3.00 to $3.99	6	4	10
$4.00 to $4.99	4	10	14
$5.00 to $5.99	8	7	15
$6.00 to $6.99	11	5	16
$7.00 to $7.99	28	25	53
$8.00 to $8.99	63	98	161
$9.00 to $9.99	172	205	377
$10.00 to $10.99	204	256	460
$11.00 to $11.99	74	155	229
$12.00 to $12.99	132	424	556
$13.00 to $13.99	53	171	224
$14.00 to $14.99	4	28	32
$15.00 to $17.99	278	1,034	1,312
$18.00 to $19.99	23	56	79
$20.00 and over	40	119	159
Total employes	1,117	2,603	3,720

In the record of hours of labor shown in the following table no reports were received for 43 employees. The percentage figures have been computed; they do not appear in the original report. (Page 86.)

16. In General.

Earnings of Women in Factories and a Legal Living Wage. January, 1921. National Consumers' League. New York.

Loose Statements as to Earnings Versus Pay-Roll Figures.

There is genuine confusion in the public mind as to what women actually earn and consequently as to the need of minimum wage legislation.

This confusion arises from half truths spoken by employers, from wild inferences based on an occasional fact, and from the conclusions of superficial writers. An employer refers to the wages he pays in the terms of his best workers. He forgets those in the less skilled occupations of his factory. A manufacturer with a higher wage scale than his competitors generalizes incorrectly about the whole industry. The high wages in one locality are emphasized while little is said about lower wages elsewhere. Men familiar with wages in silk mills speak as though these wages were common to all industries, including confectionery and paper box making.

Set against such partial and local truths is a recent, careful, well-balanced, detailed survey by the United States Bureau of Labor Statistics on the earnings of women in twenty-one leading industries in thirty-two states, published in May, 1920.

The facts are impregnable evidence of the need of minimum wage legislation.

Where Factory Earnings are Low.

1. In Certain Industries.

The making of candy, paper boxes, hosiery, knitted underwear and overalls pays less than a living wage by the most meagre standard.

In these industries even the "aristocracy" of labor does not earn a living wage. Hand dippers of candy in

general average $11.68 against the $8.48 of candy packers, a tribute to the value of skill, yet $11.68 is far less than enough to keep a worker in health. Gluing machine operators in the box industry average $12.90 against the $8.48 of "turners-in," and finishers of underwear, $14.08 against the $11.85 of inspectors, menders and folders.

In the low paid industries a few women earn more than the average, enough to meet the needs of life, but for every woman who earns above the average there is another who receives even less than that pitiful figure.

2. In Certain Occupations.

The cigar, silk and women's clothing industries support their workers in the main. But certain of their employees do not earn a living wage. For example, hand stemmers and strippers of tobacco earn on the average $8.92, hand banders of cigars $10.14, doublers in silk throwing $10.53, quillers in the silk mills $11.09 and general operators on house dresses $12.14.

3. In Certain Localities.

In the better paid industries certain localities pay far less than the average for the country, and less than a living wage. The average earnings for suction rollers of cigars are $16.49 against an average in Dayton, Ohio, of $13.16. The country wide average for weavers of broad silk is $19.10 against $13.68 in Pennsylvania. Genreal operators on dresses and waists average $20.43, but in St. Louis only $12.27. Operators on vests average $15.33, but in Cincinnati, $9.95.

4. In Certain Factories.

It has been shown again and again that competing manufacturers in the same labor market have very different wage scales. In Massachusetts previous to a minimum wage decree of $13.00 a week for experienced women in the corset industry, 12 per cent of the women

in one corset factory earned over $15.00 a week compared with 2 per cent in another factory. Yet this second factory had only 8 per cent earning less than $5.00 a week compared with 22 per cent earning less than $5.00 a week in a third factory.* (Pages 3-5.)

Industry and Human Welfare. WILLIAM L. CHENERY, *Industrial Editor, "The Survey." New York, Macmillan, 1922.*

Women's wages have been traditionally low. Women were employed in industry because they were cheaper than men. In the home they had worked without payment. (Page 70.)

None the less, industry, after having drawn women out of the home, failed on the whole to provide equivalent support for them. The wages of women were not intended generally to maintain them. They supplemented the support provided in the family, although often at times, as in Lowell, the rate of factory pay was actually sufficient for the independent support of the women employed. But, commonly, industry has paid women less than their maintenance. It has been parasitic to that extent. (Page 71.)

Women employed in industry, taken in the mass, have never earned living wages in this country. The textile industry notably has paid family wages, that is, each worker has been paid so little that only the united efforts of all available workers sufficed to support the family. Women seemed unable successfully to challenge this state of affairs and consequently, beginning in 1910, a few American states have intervened. Minimum wage laws were passed. The minimum wages set for different industries have usually been higher than what was previously paid but low in themselves. (Page 72.)

Minimum wages, in spite of the greater liberality of some commissions, such, for example, as the District of Columbia body, are indeed minima! They are designed to

*Wages of Women in Corset Factories in Massachusetts. November, 1919. Massachusetts Minimum Wage Commission. Page 26.

maintain physical life in more or less discomfort and that is all. (Page 73.)

Where High Prices Hurt Most. Edward T. Devine. *The Survey. September 15, 1920.*

The Survey has been making some inquiries as to how the poor—those known to the organized charities—have been faring in this five-year period of rising prices, more slowly rising wages, high and irregular profits and interest, wasteful war expenditures, enforced savings, and prohibition. Our information comes from one hundred cities and towns, including all of the larger, and from more than a hundred societies. Catholic and Jewish, as well as the general unsectarian agencies, have been consulted.

The executive secretaries of the charity organization societies and other agencies engaged in social work for families from whom our reports come, and their visitors, have the best of opportunities for observation; they are trained in accuracy of statement; and they have no possible reason for exaggeration or misrepresentation.

The large outstanding, although not at all surprising feature of the correspondence is that it testifies with one accord that the cost of living among these marginal families has doubled or more than doubled in the past five years, and that their earned incomes have increased very much less than their expenses.

The societies are of course acquainted with many families in which the wages of particular members have increased as much as the general increase in the cost of living. (Page 710.)

The increased cost of food has affected them earliest and most seriously. How has it been met? Chiefly, unfortunately, by doing without. They have had to do without milk for children; without meat, butter, eggs, fruits, and vegetables for both adults and children. They have not starved. They have eaten more bread and macaroni. They have drunk more tea and coffee. Their diet has therefore been unbalanced. They have suffered

from under-nourishment. Medical officials in an eastern city are referring cases more frequently with a definite diagnosis of malnutrition, and we may confidently expect that the higher death-rates will come. (Pages 710-711.)

What has all the health propaganda of the past generation amounted to other than to emphasize the importance of an abundance of plain but nourishing food? Milk for babies, suitable and adequate diet for expectant and nursing mothers, fruit and fresh vegetables and butter fats for all except infants, have been insisted upon in season and out of season.

It appears that there are other means of meeting deficits in family incomes besides doing without or applying for relief. They are for the most part the old familiar devices. Mothers who should be at home looking after their children go out to work. Children work illegally or at the earliest possible moment, sacrificing their education. Lodgers or boarders are taken into homes already crowded. One result of this is an increase in immorality of girls in the families into which lodgers are taken. At least this is the way it is reported—the immorality of the lodgers apparently being taken for granted. (Page 711.)

Overcrowding has increased in other ways than by taking in lodgers. Frequently two families move together, taking the rooms formerly occupied by one. Again, the family will move into a janitor's apartments, the man or the wife doing janitor's work in addition, it may be, to some other regular occupation. Or a direct exchange will be made to a smaller apartment, at the same or perhaps even a higher rental than had previously been paid for the larger one. (Pages 711-712.)

Enforced employment of mothers, under the conditions existing in these families, must not be thought of as a part of the general movement of girls and women into industry. It is an abnormal and unwelcome necessity. Women who have never worked, even before marriage, and who have no desire to prove their emancipation by any such means, are compelled to put their chil-

dren in day nurseries and go to work in order to supplement the earnings of husband and grown children. They are working, not from choice, but because of the high cost of living. They may borrow, if there is any one to give them credit; and so doing, they may fall into the hands of loan sharks. The few references on this subject in our letters indicate that the alleged buying of luxuries—pianos, victrolas, and fur coats—on the installment plan is mythical, but that many families are reduced to buying necessities for household use by this extravagant method. (Page 712.)

Women's Wages Compared with Men's.

Wages and Hours of Labor in 1919.[1] Paul H. Douglas. *Journal of Political Economy. January, 1921.*

The 1903 Census Report on Employees and Wages showed that the average wage for women was approximately one-half that for men. This proportion seems to hold today; if this study is representative, there has been no decrease in the disparity of wages between the sexes.

The Wide Spread of Women Workers.

U. S. Department of Labor. Women's Bureau. Bulletin No. 27. The Occupational Progress of Women. An Interpretation of Census Statistics of Women in Gainful Occupations. September 30, 1922.

Considering the general divisions of occupations, it is evident that striking changes took place in the employment of women during this decade. [1910 to 1920.]

Changes in census date and instructions to census enumerators partially explain the tremendous decrease among women returned as employed in agriculture, forestry, and animal husbandry. But if this decrease loses some of its significance, such is not the case with a decrease of 344,297 (13.6 per cent) among women engaged

[1] Industrial Survey in Selected Industries in the United States, 1919. Preliminary Report. United States Bureau of Labor Statistics. Bulletin No. 265.

in domestic and personal service; an increase of 832,892 (140.4 per cent) among women in clerical occupations; an increase of 282,607 (38.5 per cent) among women in professional service; an increase of 106,429 (99.8 per cent) among women engaged in transportation; and an increase of 109,771 (only 6 per cent) in manufacturing and mechanical industries. Certain of these changes indicate upheavals in the traditions of women's employment, which may be verified by a closer study of the facts.

The really significant deduction to be made from a study of the census statistics is that, while the proportion of women 10 years of age and over engaged in nonagricultural pursuits showed but a slight increase from 1910 to 1920, there was a decided change in the distribution of women among the various gainful occupations. In 1910 there were 203 occupations in which 1,000 or more women were employed; in 1920 the occupations in this group had increased in number to 232, and a very large part of this increase was in occupations in manufacturing and mechanical industries and professional service. Increases of 50,000 or more occurred among women who were clerks in offices, stenographers and typists, bookkeepers and cashiers, teachers, saleswomen, telephone operators, trained nurses, and clerks in stores. Decreases of 50,000 or more occurred among farm laborers (at home), farm laborers (working out), cooks, general servants, laundresses, dressmakers and seamstresses (not in factory), and milliners and millinery dealers. If the women employed as servants, as farm laborers, as dressmakers, and as milliners had held their own in numbers from 1910 to 1920, a pronounced increase in the proportion of all women employed would have resulted. If the women in these four occupations had shown an increase in number commensurate with that of the female population, then 25.4 per cent. of all women 10 years of age and over would have been gainfully employed in 1920, as compared with 23.4 per cent. so occupied in 1910.

On the whole, the great change seems to have been in a decrease among women working in or for the home and in personal-service occupations, and a corresponding

increase in clerical and allied occupations, in teaching, and in nursing, all of which have been women-employing occupations for many decades but have not before reached such numerical importance.

In manufacturing and mechanical industries it is necessary to search more closely for the significant changes. Increases since 1910 of more than 10,000 women were found among semi-skilled operatives in food, iron and steel, and clothing industries, in silk and knitting mills, and in electrical supply, shoe, and cigar and tobacco factories; among laborers in cotton mills; and among forewomen and overseers in manufacturing. The most striking increase shown for women in any industrial group was that for operatives in automobile factories, among whom there was an increase of 1,408 per cent. In the entire iron and steel industry women increased 145.4 per cent as semi-skilled operatives. A slightly larger increase (148.1 per cent) occurred among women operatives in electrical supply factories. Many of the changes which took place in manufacturing and mechanical industries were indicative of changes within the industries themselves and showed increases for men also, but it is significant to find that while women operatives in automobile factories increased 1,408 per cent (from 848 in 1910 to 12,788 in 1920), the largest percentage increase for women in any one industry, men operatives in automobile factories increased only 435.4 per cent (from 20,243 in 1910 to 108,376 in 1920), the second largest percentage increase for men. Clearly, in this one rapidly developing industry the employment of women was increasing at a much greater rate than that of men, though the number of men employed was still far in excess of the number of women.

In studying all occupations employing an appreciable number (1,000 or more) of both men and women in 1910 and 1920, an interesting situation was found to exist. The changes in rate of increase or decrease for the two sexes were entirely disproportionate, and in by far the greater number of cases the women took the lead in the rate of increase. Of course, in most of the occupations

considered, men still were numerically far above women, and the conspicuously large percentage increase shown for women in certain occupations are the direct result of small basic figures in 1910; but these huge increases none the less indicate that more and more industrial opportunities are being offered to women. (Pages 2-3-4.)

(2) Wage Scales in Many Low Paid Industries for Women Are Not Proportionately Affected with Skilled Industries by a General Rise in Wages

The loose statement is constantly made that wages rose during the war period equally with the cost of living and in some industries higher. It has also been claimed that during this period minimum wage legislation was unnecessary and ineffective where in force. Repetition is no proof of truth. The careful statistics of the Massachusetts minimum wage commission show that the war increase of wages did not affect many of the lower paid industries, employing chiefly women, sufficiently to keep pace with the rise in prices, much less bring wages, low before the war, up to the cost of living.

U. S. Department of Labor. Woman in Industry Service. Bulletin No. 4. Wages of Candy Makers in Philadelphia in 1919. 1919.

In view of the generally prevailing opinion that because of war conditions high wages had become the universal practice in industry, it was thought that facts were needed to show the actual conditions after the war in the trades in which before the war instances of a low wage scale had been numerous. Such an industry was candy making, as facts obtained in official investigations had demonstrated. The wages of candy makers were included in investigations made, for example, by the Commissioner of Labor of the United States in 1907-8, as authorized by act of Congress, and by the New York State Factory Investigating Commission in 1914. In both of these important inquiries an alarmingly large proportion of the women employed in candy making were receiving less than the minimum accepted as essential for subsistence. (Pages 8-9.)

It was found [in 1907-8]* that 91.1 per cent of the women workers aged 18 years and over earned less than $8 a week in Pennsylvania candy factories. (Page 16.)

Although nominal wages have unquestionably risen since the earlier investigations referred to, the greater part of this increase having taken place since the beginning of the war, the improvement in actual earnings in relation to the cost of living is not marked. In order to find just what the change has been, the Bureau of Labor Statistics was asked to furnish figures showing the increase in cost of living since 1908, the date of the Federal investigation which included confectionery workers in Pennsylvania. The average price of food in 1918 was 100 per cent higher than for the year 1908, while in December, 1918, it was 123 per cent higher than for the year 1908. If the above relation between cost of food and total cost of living may be assumed to be fairly steady, this means that in the year 1918 the cost of living had risen by 90 per cent, and by December, 1918, by 111 per cent over the price for the year 1908. * * * The mean of the increase for the year and for December of 1918 was taken, which gives a rise in the cost of living, as compared with 1908, of 100 per cent. On this basis, $10 in January, 1919, had a purchasing power equal to $5 in 1908, $12 at the later date equaled $6 at the earlier, and so on. (Pages 27-28.)

* S. Doc. 645, 61st Cong., 2d sess., Report on Condition of Woman and Child Wage Earners in the United States. Vol. XVIII, Employment of Women and Children in Selected Industries, p. 136. (Page 17.)

Distribution of Female Confectionery Workers Aged 18 or over in 1908 and 1919 Receiving Wages of Equivalent Purchasing Power, by Wage Group.

1908[1]			1919[2]			
Wage Group	Employees Receiving Each Amount		Wage Group.		Employees Receiving Each Amount	
	Number	Percent.	Amount Received	Purchasing Power in Terms of 1908 Wages Equivalent to—	Number	Percent.
Under $5	103	41.5	Under $10	Under $5	190	31.7
Under $8	153	61.7	Under $12	Under $6	312	52.1
Under $8	226	91.1	Under $16	Under $8	483	80.6
Under $10	246	99.2	Under $20	Under $10	558	93.1
$10 and over	2	.8	$20 and over	$10 and over	41	7.0
Total	248	100.0	Total		599	100.0

[1]Figures compiled from S. Doc. 645, 61st Cong., 2d sess., Report on Condition of Woman and Child Wage Earners in the United States, Vol. XVIII, p. 136.
[2]Figures from present report, Table II, p. 23.

This shows an appreciable increase in the wage lever of those aged 18 or over in the ten years or more which intervened between the two investigations, but even so, the improvement is far from satisfactory. Even in this group, which includes the higher-paid workers, and shuts out the young girls who swell the numbers in the lower earnings groups, there are still four-fifths who, according to the standards of 1908, do not earn a living wage. (Page 29.)

Massachusetts. Minimum Wage Commission. Fifth Annual Report. December 31, 1917.

In this country as in the countries of Europe the war has caused a widening disparity between the price of essential commodities and the purchasing power of the wages paid in a large number of the traditional woman-employing occupations. The Commission has estimated that the cost of living of a wage-earning woman in Massachusetts, based upon retail prices weighed accord-

ing to the proportion which each item of expenditure forms of the total weekly budget, increased at least 35 per cent in the period between October, 1915, and October, 1917. On the other hand inquiry has shown that except in a relatively small number of industries there has been no general increase in wages at all comparable with this rise in living costs. (Pages 39-40.)

Massachusetts. Minimum Wage Commission. Sixth Annual Report. November 30, 1918.

The war has served to emphasize the need for protecting the wages of unskilled women workers. One of the strange anomalies of the war-time employment of women has been the existence side by side of industries paying exceptionally high wages, and others where the wage level was only slightly above that in the pre-war period. Outside of the distinct war industries the wages of the majority of women workers have lagged far behind the cost of living. According to data collected by the United States Bureau of Labor Statistics, the increase in retail food prices alone, from September 15, 1913, to September 15, 1918, has been 72 per cent.* For the masses of women workers no corresponding wage increases have been made during this period.

Some indication of the increased cost of living for self-supporting women in this State is given by the series of minimum budgets approved by the Commission's wage boards from 1913 (the year the Commission began its work) to the present year. These budgets range from $8.71 a week, voted by the first wage board,† to $12.50, voted by the latest wage board.‡ (Pages 35-36.)

During the summer and fall of 1918 wage records available for tabulation were secured from 11 fish-canning factories, and from 11 establishments engaged in canning pickles, preserves, sauces, and other products. In both types of factories rates for the majority of workers were

* United States Bureau of Labor Statistics Monthly Review, November, 1918, p. 77.
† Brush Makers Wage Board.
‡ Wholesale Millinery Wage Board.

below the standard of living: 59.3 per cent of the women employed in fish-handling establishments and 71.4 per cent of those in the other establishments, were scheduled to receive less than $9 a week. Only 51 had total annual earnings of as much as $450, or the equivalent of $9 a week throughout the year. [Contemporaneous cost of living budgets: retail millinery board, May 7, 1918, $11.64; and wholesale millinery board, November 13, 1918, $12.50.]

In connection with these rates and earnings it should be remembered that the period covered was one of exceptionally high wages. The prominence given to "war wages," however, has caused many to overlook the fact that in some of the non-war industries, especially those employing unskilled labor, wage advances have been very slight, and have entirely failed to keep pace with the increase in the cost of living. (Pages 18-19.)

In [seven candy establishments] a transcript of the pay-roll for the four months, June to September, 1918, was taken. (Page 22.)

From this it appears that nearly two-thirds of the women and girls in the candy factories visited were receiving less than $9 a week. [Contemporaneous cost of living budget voted by the office and other building cleaners wage board, June 19, 1918, $11.54.] The low level both of rates and earnings is the more surprising, in view of the labor shortage and the competition with munition factories that existed at the time the investigation was made. It serves, however, to show the persistence of low wages in occupations which depend mainly upon the labor of unskilled women and girls. (Page 23.)

Following the investigtion made in 1916-17 into the wages paid in the millinery trades, a supplementary investigation of wages in the wholesale millinery occupation was made by the Commission in the summer of 1918. This showed but slight improvement in wage conditions, and indicated that a substantial number of the women employed were receiving wages inadequate to meet the necessary cost of living and to maintain them in health. (Page 27.)

Massachusetts. Minimum Wage Commission. Seventh Annual Report. November 30, 1919.

An inquiry into the wages of women employed in paper box factories was made by the Commission in the early part of 1915. A second investigation of the paper box industry was undertaken by the Commission [in 1919]. This investigation is based on pay-roll records from 16 of the 24 establishments included in the former study, and covers the four-month period, October, 1918, through January, 1919. Wage records were secured for 1,301 women and girls. Of these records 1,054 were available for tabulation. Average weekly earnings for this group show nine-tenths (89.3 per cent) and seven-tenths (68.2 per cent), respectively, earning under $15 and under $12 a week. * * * The results of both* investigations indicate little actual improvement in the wage situation since 1914. (Page 19.)

A reinspection under the Men's Clothing and Raincoat Decree† [$9.00] which became effective January 1, 1918, was made during March and April [1919]. Wage rates in this occupation show more striking increases than in any other investigation made by the Commission. These increases are, however, mainly due to changes in economic conditions, and to trade agreements within the industry. In 1915, the period covered by the original investigation, over three-fourths of the women (77.8 per cent) had rates under $9. The present inspection [1919] showed only one-twentieth (5.3 per cent) with rates as low as that. Nearly one-half, however, had rates less than $13 a week.

The first inspection under the Men's Furnishings Decree,‡ which went into operation February 1, 1918 [$9.00], was made in the early part of that year. A second inspection was started in December, 1918. (Page 44.)

* The other investigation here referred to was that of the New England division of National Paper Box Manufacturers' Association.

† Statement and Decree concerning the Wages of Women in Men's Clothing and Raincoat Factories in Massachusetts, August 31, 1917.

‡ Statement and Decree concerning the Wages of Women employed in the manufacture of Men's and Boys' Shirts, Overalls and Other Workingmen's Garments. Men's Neckwear and Other Furnishings, and Men's, Women's and Children's Garters and Suspenders in Massachusetts, October 26, 1917.

Although approximately only one-tenth of the women had rates below $9, one-half had rates below $12 a week. Very few were found receiving rates of $15 a week or over.

The inspection under the Muslin Underwear Decree [$9.00], effective August 1, 1918, was started last November, and completed the following December.

Although the inspection shows a considerable advance in earnings since 1915-16, the period covered by the original investigation, this advance is not comparable with the increase in the cost of living within the same period. (Page 45.)

Massachusetts. Minimum Wage Commission. Bulletin No. 18. Supplementary Report on the Wages of Women in Candy Factories in Massachusetts. January, 1919.

A comparison of average weekly earnings between 1913 and 1918 shows for these two establishments, which were included in both studies, a considerable increase in wage payments over those recorded in the pre-war period. In 1913 only .7 per cent of the employees in establishment No. 3 and 1.8 per cent of those in No. 6 were earning $9 a week or more. In 1917-18 the percentages had risen to 24.1 and 6.2 per cent, respectively. (Page 16.)

The average advance, however, has not equalled the increase in living cost during the same period. No general increase in real wages is shown. (Page 23.)

In connection with the increase in money wages, the decrease in the purchasing power of the dollar during this period should be taken into consideration.

Retail prices of food in the United States increased 72 per cent from September 15, 1913, to September 15, 1918, according to figures compiled by the United States Bureau of Statistics.* (Page 16.)

In spite of these increases, rates of wages, so far as records for them could be secured, run surprisingly low.

* United States Bureau of Labor Statistics, Monthly Review, November, 1918, p. 77.

Of 259 women and girls receiving specified weekly rates, 64.1 per cent had rates under $9, and 45.9 per cent had rates under $8 a week. While these data do not warrant conclusions as to the prevailing rates in the largest factories included in the survey, it shows that a considerable proportion of the individual employees for whom such records were available were paid wage rates which under present conditions are less than the minimum cost of living. (Page 18.)

Massachusetts. Minimum Wage Commission. Bulletin No. 19. Wages of Women Employed in Canning and Preserving Establishments in Massachusetts. March, 1919.

The average [wage rate] based on the total for both branches [fish canning and preserving and preserve, pickle, vegetable, sauce and meat canning] is surprisingly low. More than three-fifths are paid at rates under $9 a week, and nearly two-fifths, at rates under $8. [Cost of living budget of the wage board for the canning and preserving industries, $11.]

It should be remembered that these rates are for full-time employment, and that in the majority of canneries the working hours are the maximum permitted by law. It should also be remembered in this connection that the period covered (1917-18) was one of business expansion, when "war wages" had nearly reached the high-water mark. (Page 15.)

In connection with these rates and earnings it should be remembered that the period covered was one of exceptionally high wages. The prominence given to "war wages," however, has caused many to overlook the fact that in some of the non-war industries, especially those employing unskilled labor, wage advances were very slight, and entirely failed to keep pace with the increase in the cost of living. (Pages 20-21.)

Massachusetts. Minimum Wage Commission. Bulletin No. 21. Second Report on the Wages of Women in Corset Factories in Massachusetts. November, 1919.

Compared with the previous investigation, that of 1913, the wage situation as shown by average weekly earnings appears less favorable than six years ago. Assuming the approximate equivalence* in purchasing power of $5, $7, and $9 in 1913 with $9, $12, and $15, respectively, in 1919, the corresponding percentages of women receiving less than these amounts in each period are: in 1913, 20.0 per cent, 53.5 per cent and 83.6 per cent, respectively; and in 1919, 36.8 per cent, 67.1 per cent, and 89.6 per cent, respectively.

In connection with these figures it should be remembered that the corset industry was seriously affected by war conditions; that the period covered by the study was one of transition; and that, owing to temporary adjustments in piece rates and bonus systems, a particularly unfavorable picture of the wage situation is presented.

* The United States Bureau of Labor Statistics gives the increase in retail food prices in May, 1919, as 91.0 per cent over the same month in 1913, and an increase in all items of family expenditures in Boston from July, 1914, to July, 1919, of 75 per cent. (Page 19.)

(3) Nominal Rates Are Greater Than Actual Earnings.

It is a truism that nominal rates, i. e., the rates of pay, are greater than actual earnings, i. e., the real income. Earnings are decreased by factors over which the worker has no control; inefficient organization and consequent waiting for work, factories running short time, and seasonal irregularity. Earnings are also decreased by sickness, necessary vacations, and by voluntary absenteeism.

Minimum wage legislation does not pretend to eradicate the factors making for irregularity of employment, though in part it tends to curb them, but the uncertainty of steady work only emphasizes the need of a living wage, at least while working.

(a) Due to Lack of Steady Employment or Irregular Attendance.

District of Columbia.

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Labor Review. Wages of Women and Minors in the Mercantile Industry in The District of Columbia. June, 1919.

It will be noticed that the classification in the tables of this article shows the rates as even dollars. The investigation revealed that almost without exception the weekly rates paid in mercantile establishments of the District are in round numbers. Only 53 women, or a little over 1 per cent of the 4,609 women, received rates involving fractions of a dollar. (Page 191.)

At the outset the fact should be emphasized that these rates of pay did not measure actual earnings. Earnings averaged well below full-time rates. Some indication of this disparity may be found in the data, shown in Table 1, secured from four department stores employing 1,483

women. Figures of actual earnings (exclusive of bonuses) were secured for the week for which pay rolls were obtained. While figures of earnings for one week are manifestly of less value than those extending over a longer period, they may be taken as indicative of a general trend. In the weeks for which pay rolls were secured health conditions in the District were normal, and since the figures for the four stores were totaled any individual abnormalities would not greatly affect the general results. (Pages 191-192.)

Table 1.—Cumulative Number and Per Cent of Woman Employees in Four Department Stores Having Each Rate and Actually Earning Each Amount or Under Per Week During One Week of February or March, 1919.

Weekly rate of wages	Women employees having each weekly rate		Women employees actually earning each weekly amount	
	Number	Cumulative Per cent	Number	Cumulative Per cent
$8 and under.....	191	12.9	342	23.1
$9 and under.....	283	19.1	428	28.9
$10 and under.....	527	35.5	640	43.2
$11 and under.....	569	38.4	697	47.0
$12 and under.....	925	62.4	996	67.2
$13 and under.....	959	64.7	1,037	69.9
$14 and under.....	1,040	70.1	1,108	74.7
$15 and under.....	1,212	81.7	1,243	83.8
$16 and over.....	271	18.3	240	16.2

It may be seen from this table that the disparity between rates and earnings was greatest in the lower wage groups. That is to say, the difference between the numbers of workers whose weekly rates and whose actual earnings were $8 and under was greater than the difference between those with weekly rates and those actually earning $12 and under or $15 and under. About 13 per cent had rates of $8 and under, while a little over 23 per cent actually earned that amount; 63.4 per cent had rates of, while 67.2 per cent earned, $12 and under; 81.7 per cent had rates of, while 83.8 per cent actually earned, $15

and under. The number of women who earned $8 and under in excess of those so rated was 151. While the low earnings of some of these women was due to the fact that they were regularly employed as part-time workers, the greater number earned less than their wage rate because of absenteeism. Insufficient records as to reasons for absence made it impossible to come to any conclusions concerning the causes of this irregular attendance. However, in so far as it was due to illness and incapacity caused by malnutrition and inadequate shelter and clothing, an adequate living wage would tend toward greater regularity and efficiency. (Page 192.)

Alabama.

U. S. Department of Labor. Women's Bureau. Hours, Wages, and Working Conditions of Women in the Industries in Alabama. Preliminary Memorandum. October, 1922.

Year's Earnings.

Accordingly, records for 52 weeks' earnings were taken for about 20 per cent. of the women for whom the one week pay roll information was secured. These women were selected as steady workers who had been employed throughout the year.

The following figures give the median year's earnings for the women whose year's records were secured.

Industry.	Number of white women.	Median year's earnings.
All industries	961	$502
General mercantile	172	731
Garment manufacturing	70	683
Laundries	19	675
Hosiery manufacturing	112	459
Yard goods manufacturing	353	456
Yarn and twine manufacturing	169	440
5-and-10-cent stores	36	438
	1,892	

Dividing the median of year's earnings by the number of weeks during the year, it is found to be equivalent to $9.65 a week, which is not very different from the $10.00 median which was found for the women who had worked full time during the current week. Making the same computation for each industry it appears that the median year's earnings are equivalent to a weekly sum of $14.06 for the women in the general mercantile industry, $13.13 in garment manufacturing, $12.98 in laundries, $8.83 in hosiery manufacturing, $8.77 in yard goods manufacturing, $8.46 in yard and twine manufacturing, and $8.42 in 5-and-10-cent stores.

When it is considered that for very many women wage earners the yearly budget must be reduced even below the figures given for regular and experienced workers, because of much unavoidable lost time and periods of unemployment, it becomes evident that the women in the industries of Alabama must be faced with many serious problems in adjusting their living costs to meet their yearly incomes. (Page 18.)

Georgia.

U. S. Department of Labor. Women's Bureau. Bulletin No. 22. Women in Georgia Industries. January, 1922.

It is difficult for a pieceworker to foretell just how much she will earn in a given time, as both the plant conditions and the speed of the work vary. She may have plenty of work one day and feel able to work fast, while the next day her machine may not "behave," work may not come up from the next department, or she herself may feel below par. With a worker whose pay is based on time, however, if she knows her rate and works her full number of hours her weekly earnings can be counted on with considerable accuracy. Of course if she does not work the full hours, or works more than the full hours, her earnings will not correspond to her rate.

It is therefore not surprising to find that the earnings of time workers were slightly lower than their rates, for time lost could not be made up by additional speed, as might be done in the case of the pieceworker, and there was practically no overtime. In a few stores and manufacturing establishments a bonus for attendance, production, or increased sales slightly raised the earnings, but not sufficiently to compensate for the lost time. This is shown by the following figures, from Table VIII in the Appendix, comparing the median rates of pay and median earnings:

	White women	Negro women
Early pay roll period:		
Median rate	$12.40	$6.90
Median earnings	11.95	6.45
Late pay roll period:		
Median rate	12.20	6.80
Median earnings	11.45	6.20

The discrepancy between earnings and rates was especially striking in the low-paid group of workers whose rate of pay was less than $10 a week. We find 28.8 per cent of the white women with a rate of less than $10 and 36.9 per cent who actually earned less than $10. Of the 1,395 white women who had a weekly rate of $10 and over, 16.8 per cent actually earned less than $10. (See Table VIII, Appendix.)

Earnings for the early week taken showed a closer approximation to rates than did those of the later week. Instead of a difference of 75 cents between median rate and earnings for white women, the difference was but 45 cents. Negro women showed a somewhat similar relation between rates and earnings. Their median earnings were 60 cents less than rates in the second or late period and 45 cents less in the first week taken. (Pages 33-34.)

Yearly Earnings.

In order to determine how much it costs a woman to live, it has been the custom to make up an itemized weekly

budget for her probable expenses. The amount of this budget can then be compared with her weekly wage to see if the latter is sufficient for her support. For one week, when a worker is earning her regular wage, this may be fair, but when it is remembered that a woman must have shelter, food, and clothing for 52 weeks, the inadequacy of any weekly wage which does not allow provision for weeks not worked is clearly seen.

To obtain facts as to the amount earned during a 52-week period, one-tenth of the women from each pay roll were selected, with the aid of the management, and their year's arnings were recorded. Only those women were taken who had been in the establishment at least a year and who were classed as steady workers. The earnings of these 609 women probably were typical of the more experienced workers in each industry. If their earnings are divided by 52, the number of weeks in a year, and also by the actual number of weeks worked, we find in both cases higher median weekly earnings than those for all employees on the pay-roll records for one week. It is apparent, therefore, that the group whose yearly earnings were recorded earned rather more than the average, probably due to the fact that they were experienced workers.

	White women	Negro women
Median earnings for all employees, one-week pay roll.	$12.20	$6.20
Average for select group on pay roll during entire year:		
Year's earnings divided by 52	14.40	7.85
Year's earnings divided by weeks actually worked...	15.50	8.20

In the year 1920, the period selected for this study, median yearly earnings for the 550 white women were $750. This median includes some extremely low and some fairly high earnings. We find seven women whose yearly earnings were less than $300 each, and three women who earned $1,600 and over. Women in department stores showed the highest median earnings, $940, which were

considerably larger than the median of $800 for the next highest group, who were workers in textile manufacturing. Workers in cigar manufacturing showed high earnings, but too few cases were reported to be of equal significance with department stores and textiles; only 14 workers in cigar manufacturing were recorded, but 10 of these had yearly earnings of from $900 to $1,600, which would bring them into the class with the highest earnings. The smallest amounts were earned by 5-and-10-cent stores and laundry workers, whose median yearly earnings were $485 and $465 respectively. (See Table XI, Appendix.)

If these yearly earnings in Georgia are compared with those taken for a six-months-earlier period in Kansas and Rhode Island, considerable similarity is found between those in Kansas and Georgia, but much higher incomes are reported for Rhode Island. (Pages 39-40.)

Table 11.—Year's Earnings of Women in Three States.

Annual earnings	Per cent of women earning each specified amount in— Georgia	Kansas	Rhode Island
Less than $600	26.0	28.6	9.0
$600 and under $900	44.4	42.2	55.2
$900 and over	29.6	29.2	35.9

To what extent the higher incomes of the workers in Rhode Island are due to the industries in which they are employed it is difficult to say. The Georgia group was largely (63.3 per cent) composed of textile operatives. In the Rhode Island group rubber workers predominated, while in Kansas there was a more even distribution of workers among varied industries. (Pages 40-41.)

As a matter of course, yearly earnings vary, in most industries, with the number of weeks worked. Nearly three-quarters (71.8 per cent.) of the white women for whom annual earnings were recorded worked 48 or more weeks in the year, while nearly one-fifth worked the entire 52 weeks. The proportion who lost not more than two weeks was 30.4 per cent, and only 6.4 per cent lost as

much as nine weeks. A greater proportion of Negro than of white women worked 52 weeks. Seventy-one per cent of the Negro compared to 80 per cent of the white women lost one or more weeks. About 40 per cent of the Negro women showed one or two weeks not worked, and only two women lost more than eight weeks. If the total number of weeks lost is divided by the total number of women, both Negro and white, the average time lost per worker was about 3¾ weeks. Naturally, more weeks were lost in some industries than in others. All of the knit-goods workers and 85 and 90 per cent, respectively, of the textile and garment workers lost one week or more. In the other industries from one-half to three-fourths of the women lost one or more weeks. The various causes of this losing of time could not be ascertained. It was possible, however, to record the number of weeks the department or plant was closed and in which, therefore, work could not be performed. Stores, laundries, and food factories showed no weeks lost due to the plant or department closing. In the other manufacturing establishments 40 per cent of the white and 44 per cent of the Negro women who lost time were idle from one to 15 weeks for this reason. The greatest number of workers lost one or two weeks, but one-fourth of those affected lost five or more. This enforced idleness was greatest in knit-goods manufacturing, where every worker but two was out from three to eight weeks. The total number of weeks lost through enforced idleness was more than a quarter (27 per cent) of all the time lost by the 444 workers.

Without doubt, many hours and occasionally days were lost during the weeks where work was recorded, and although it was not possible to obtain the actual amount of time lost, the wide variation of weekly earnings shows to some extent the irregularity of work. The following cases serve as examples to show how greatly the earnings of a single worker, may vary during five consecutive weeks.

Week	Piecework			Timework		
	Spinner	Spooler	Bunch maker	Winder tender	Doffer	Sack sewer
First	$13.00	$7.80	$6.80	$10.80	$11.45	$6.70
Second	8.55	9.40	9.12	9.70	12.27	8.70
Third	3.20	11.60	8.46	14.85	10.09	10.00
Fourth	21.50	2.45	2.54	9.70	2.18	7.05
Fifth	17.50	8.55	2.36	13.60	7.91	8.85

Some of these workers were paid according to the time worked and some according to the piece, but in neither case would it be possible to tell from these five weeks what weekly earnings might be expected. All this variation can not be laid to any one cause, but it is certain that irregularity of work is an important factor. In the cigar manufacturing industry this variation from the average is as much as 104.4 per cent, and for the workers in stores who have the steadiest pay the variation from the average is is 56.1 per cent. The average variation for all industries is 86.7 per cent. It would appear, therefore, that a weekly wage was far from a steady amount received each week, but was rather a variable sum reflecting conditions of work and the health of the worker in the industry. (Pages 41-42.)

Kansas.

U. S. Department of Labor. Women's Bureau. Bulletin No. 17. Women's Wages in Kansas. May, 1921.

Time Lost and Overtime.

In Table V of the appendix is given a tabulation of the actual hours worked less or more than the normal hours of the establishment, showing the difference between the normal weekly hours of the plant and the average hours of employment for all the weeks worked by the employees for whom data were obtained. Weeks in which the employee did not work are excluded, so that the table is an indication of the average amount of time actually lost or worked overtime during the weeks at work. (Page 46.)

Table V.—Number of Women Whose Average Weekly Hours Exceeded or Fell Below the Normal Hours for the Establishment, by Industry and by Number of Overtime Hours Worked and Time Lost.

Time Lost.

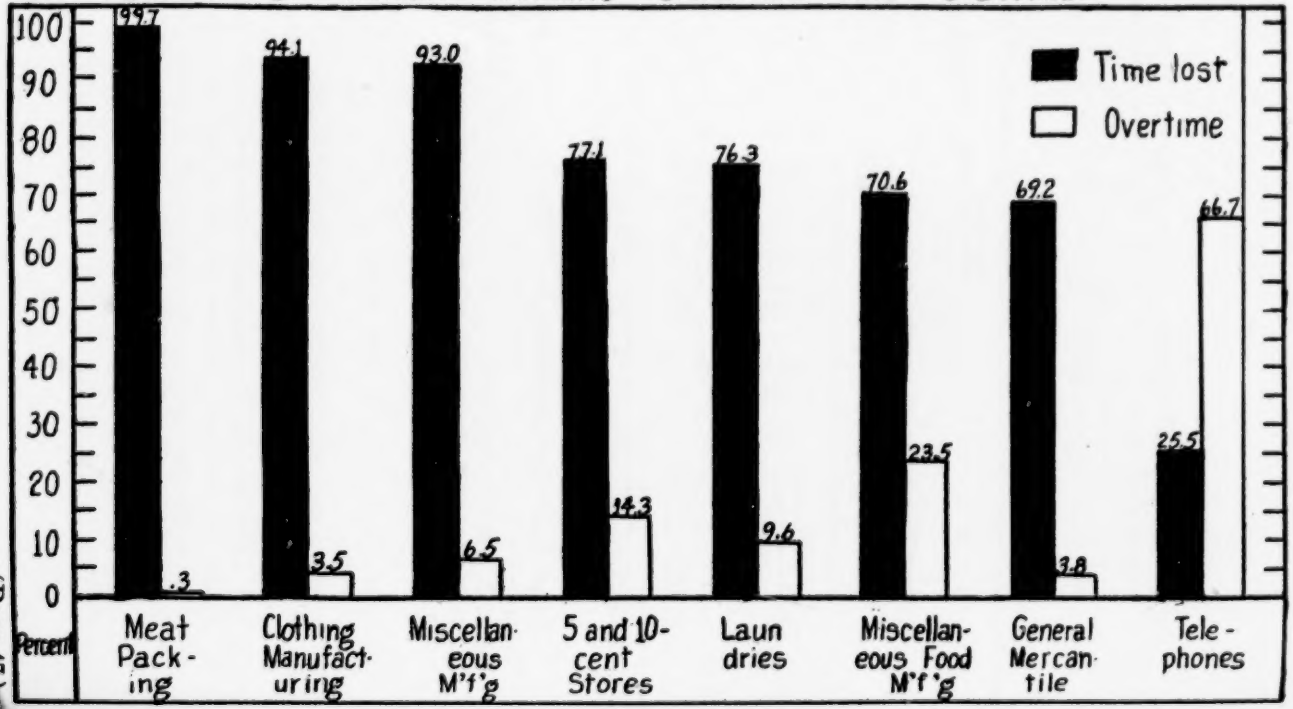
Industry.	Number of employees having hourly records.	Employees working less than full time.		Number of employees working under normal hours—			
		Number.	Per cent.	Less than 5 hours.	5 and under 10 hours.	10 and under 15 hours.	15 hours or more.
Meat and poultry packing	655	653	99.7	157	324	146	26
Miscellaneous food manufacturing	68	48	70.6	27	9	3	9
Clothing manufacturing	203	191	94.1	58	102	27	4
Miscellaneous manufacturing	372	346	93.0	198	114	23	11
General mercantile	104	72	69.2	66	5	1	.....
5-and-10-cent stores	35	27	77.1	17	6	2	2
Laundries	114	87	76.3	54	20	12	1
Telephones	51	13	25.5	8	1	2	2
All industries[1]	1,602	1,437	89.7	585	581	216	55
Per cent distribution	.....	100.0		40.7	40.4	15.0	3.8

[1]Exclusive of restaurants and offices, for which this information was not obtainable.

(Page 102.)

Of all the women employed, only 62 averaged the normal hours scheduled for their places of employment. Of these, 28 were in the general mercantile industry, 16 were in laundries, and the others were scattered among five other industries. (Page 48.)

6. PERCENT OF WOMEN WORKING UNDERTIME AND OVERTIME.



(Page 47.)

Annual Earnings.

With so much lost time reported for the various industries it readily appears that the average for neither weekly nor hourly earnings will serve to give definite information as to what the women in the industries of Kansas have to live on during the year. Only a record of weekly earnings throughout the year can give an absolutely accurate picture of yearly earnings. Such a record was obtained for 1,077 women for whom pay-roll records were secured for 50 or more weeks. These records can be assumed to be representative of yearly earnings in the different industries, as the one or two weeks lost by those who worked 50 or 51 weeks can in the majority of cases be credited to vacations or sickness. In the few instances where another job was held for one or two weeks the earnings for such a short period would not be sufficient to affect the income grouping.

Table 15.—Annual earnings of women who worked 50 or more weeks during the year, showing per cent of women in each income group, by industry.

Annual earnings less than $600 (weekly earnings less than $11.54).		Annual earnings $600 and under $900 (weekly earnings $11.54 and under $17.31).		Annual earnings $900 and over (weekly earnings $17.31 and over).	
Industry	Per cent.	Industry	Per cent.	Industry	Per cent.
5-and-10-cent stores	80.8	Miscellaneous food manufacturing	68.8	Meat packing	56.9
Telephones	59.0	Miscellaneous manufacturing	52.1	Offices	41.5
Restaurants	55.6	Restaurants	44.4	General mercantile	25.1
Laundries	53.3	General mercantile	43.8	Miscellaneous manufacturing	18.8
Clothing manufacturing	45.5	Meat packing	43.1	Clothing manufacturing	16.9
General mercantile	31.1	Laundries	40.0	Laundries	6.7
Miscellaneous manufacturing	29.2	Telephones	39.0	Miscellaneous food manufacturing	3.0
Miscellaneous food manufacturing	28.1	Clothing	37.7	Telephones	2.0
Offices	25.5	Offices	33.0	5-and-10-cent stores	.....
Meat packing	.....	5-and-10 cent stores	19.2	Restaurants	.....
All industries[1]	28.6	All industries[1]	42.2	All industries[1]	29.2

[1] Exclusive of poultry packing, in which no women reported worked 50 weeks.

Table 15 (a summary of Table VI, p. 101 in the appendix) shows that for a whole year of work 28.6 per cent of

the women, between one-fourth and one-third of those for whom records were secured, received less than $600; which means less than $50 a month, less than $11.54 a week; in other words, less than a living wage. (Pages 48-49.)

Massachusetts.

Massachusetts. Minimum Wage Commission. Bulletin No. 21. Second Report on the Wages of Women in Corset Factories in Massachusetts. November, 1919.

Pay-roll records for women employees were secured from ten factories, [which] employ approximately nine-tenths of the women engaged in the industry in this State.

The time covered by the wage records is the four-month period from January through April, 1919. These are, under ordinary conditions, months of normal production in the industry. (Pages 5-6.)

Average Weekly Hours of Labor of 1,078 Women Employed in 7 Corset Factories in Massachusetts: by Establishments (Cumulative).

(Based on pay-roll records for the period January through April, 1919)

Establishments	Less than 30 Hours	Less than 34 Hours	Less than 38 Hours	Less than 42 Hours	Less than 46 Hours	Less than 50 Hours	Less than 54 Hours	54 Hours and Over
No. 1—								
Number	11	25	79	156	326	540	670	2
Percent	1.6	3.7	11.8	23.2	48.5	80.4	99.7	.3
No. 2—								
Number	9	39	64	104	156	166	167	....
Percent	5.4	23.4	38.3	62.3	93.4	99.4	100.0	....
No. 3—								
Number	5	8	19	35	61	97	134	....
Percent	3.7	6.0	14.2	26.1	45.5	72.4	100.0	....
No. 6—								
Number	2	3	3	3	6	6	15	....
Percent	13.3	20.0	20.0	20.0	40.0	40.0	100.0	....
No. 7—								
Number	3	7	15	29	63	82	82	....
Percent	3.7	8.5	18.3	35.4	76.8	100.0	100.0	....
No. 9—								
Number	....	....	....	2	2	6	6	....
Percent	....	....	....	33.3	33.3	100.0	100.0	....
No. 10—								
Number	1	1	1	1	1	1	1	1
Percent	50.0	50.0	50.0	50.0	50.0	50.0	50.0	50.0
Total—								
Number	31	83	181	330	615	898	1,075	3
Percent	2.9	7.7	16.8	30.6	57.1	83.3	99.7	.3

(Page 32)

During the past year, 1919, there has been practically no dull season in the manufacture of corsets. Judging from present conditions, the prospect for the future is greater regularity of employment. (Pages 7-8.)

A situation which still exists, however, and which exists in practically every industry where the piece rate system prevails, a situation in its effect on the workers similar to the slack season, is that due to periods when the operatives are kept waiting for work, not from lack of orders, but from various conditions in the individual establishments, such as the method of routing work, the

repairing of machines, or delay in securing supplies. The result in the course of the year frequently means a considerable loss in earnings to the workers employed by the piece, and is one of the principal causes of dissatisfaction with the piece rate system. (Page 8.)

For the majority of the women and girls employed in the industry, the investigation indicates a low level of earnings. Of the entire number for whom wage data were available, 1,361 (67.0 per cent) have actual earnings that average less than $12 a week. Of the adult workers, those 18 years of age and over, 62.1 per cent earn less than $12 a week; while of those with one or more years' experience in the industry, 57.5 per cent. earn less than this amount. Nearly one-half (48.2 per cent) of the women averaging 46 hours or more a week, approximately full-time workers, receive less than $12; and 39.9 per cent even under the most favorable conditions of regular employment and freedom from interruption, would earn less than $12 a week for full-time employment. (Page 19.)

Massachusetts. Minimum Wage Commission. Bulletin No. 15. Wages of Women in Shirt, Workingmen's Garment and Furnishing Goods Factories. December, 1917.

Difference between Nominal Rates and Actual Earnings.
Men's Neckwear.

	Per cent of Workers Receiving (Cumulative)						
By the week	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over
Avg. earnings..	7.2	21.4	35.9	52.5	66.3	75.4	24.6
Rates	..	2.8	15.5	36.6	53.5	69.0	31.0

(Compiled) (Page 54.)

Massachusetts. Minimum Wage Commission. Bulletin No. 13. Wages of Women in Men's Clothing and Raincoat Factories in Massachusetts, December, 1916.

Table 1 .—Weekly Earnings—By Occupations

Occupations	Per Cent. of Women Earning							
	Under $3	$3 and Under $4	$4 and Under $5	$5 and Under $6	$6 and Under $7	$7 and Under $8	$8 and Under $9	$9 and over
Coat finishing	4.7	7.2	16.8	26.4	21.8	15.4	4.9	2.8
Pants and vest finishing	9.6	11.5	20.1	17.7	16.7	12.9	5.3	6.2
Basting	.7	3.4	6.9	19.9	20.5	21.2	11.6	15.8
Machine operating	1.6	3.3	15.4	15.4	16.3	17.1	8.1	22.8
Buttonhole making	1.1	....	3.2	3.2	9.6	11.7	15.9	55.3
Busheling	....	....	4.4	18.8	20.3	20.3	14.5	21.7
Button sewing	....	2.4	11.9	9.5	31.0	23.8	11.9	9.5
Miscellaneous	2.3	8.2	10.5	25.6	20.9	12.8	8.1	11.6
Total number	43	67	152	223	218	181	93	155
Cumulative per cent.	3.8	9.7	23.1	42.8	62.1	78.1	86.3	13.7

(Page 28)

Table 2.—Weekly Rates—By Occupations

Occupations	Per cent. of Women with Weekly Rates of—							
	Under $3	$3 and Under $4	$4 and Under $5	$5 and Under $6	$6 and Under $7	$7 and Under $8	$8 and Under $9	$9 and over
Coat finishing	....	4.8	9.6	11.0	24.9	22.0	19.1	8.6
Pants and vest finishing	....	1.9	5.7	20.7	11.3	18.9	22.6	18.9
Basting	....	....	2.1	5.1	16.5	32.0	23.7	20.6
Machine operating	....	1.0	2.1	9.3	16.5	21.6	23.7	25.8
Buttonhole making	....	....	....	5.9	11.8	11.7	5.9	64.7
Busheling	....	....	....	....	23.3	11.7	20.0	45.0
Button sewing	....	....	....	12.5	6.2	18.8	21.9	40.6
Miscellaneous	....	....	6.4	9.7	16.1	24.2	19.4	24.2
Total number	....	12	31	59	118	138	130	139
Cumulative per cent.	....	1.9	6.9	16.3	35.1	57.1	77.8	22.2

NOTE.—Of the 1,132 workers whose records were studied, data concerning rates were not available for 505, a majority of whom were pieceworkers.

(Compiled)

(Page 30)

New York.

New York. Department of Labor. Division of Women in Industry. Special Bulletin. The Employment of Women in 5 and 10 Cent Stores. September, 1921.

Annual Earnings.

The annual earnings of 66 workers, chosen from 21 stores in the three schedules, March, 1920, to March, 1921, were analyzed. These girls had all of them worked at least 44 weeks of the year, two-thirds of them had worked for 49 weeks or over and one-third of them had worked 51 or 52 weeks. The weeks which these girls did not work came about because of sickness or vacations.

Thirty per cent of these girls had been with their stores more than five years, and one girl, a cashier, had a period of service of more than twenty years; she was the only girl who had earned more than $1,050 during the year's time, and her annual wage had amounted to between $1,300 and $1,350. *Forty-five per cent of these* 66 *girls had earned less than* $600 *and* 12 *per cent earned less than* $500. The group was made up of 51 saleswomen, 7 floorwomen (one of whom did some of the buying), and 8 cashiers; of the saleswomen the highest annual wage was that of a girl at a music counter, $963.15. (Pages 53-54.)

14. Per Cent of Full Time Women Workers in Five and Ten Cent Stores at Wage Rate Groups and Per Cent Whose Actual Earnings Fell in These Groups.

	$0-$4.99	$5-$9.99	$10-$14.99	$15-$19.99	$20-$24.99	$25-$29.99	$30-$34.99	$35-$39.99	$40 and over	Total
Per cent actually earning.....	5.35	14.19	50.55	23.53	3.87	1.61	0.64	0.13	0.13	100.00
Per cent at wage rate.....	.....	7.54	59.44	26.24	4.13	1.74	0.65	0.13	2.13	100.00

(Condensed.) (Page 53.)

Rhode Island.

U. S. Department of Labor. Women's Bureau. Bulletin No. 21. Women in Rhode Island Industries. November, 1921.

Yearly Earnings.

The foregoing wage figures are those for a given week, irrespective of the other 51 weeks in the year. A week representative of normal conditions in the plants, without a holiday or a slack period, was chosen. It is, however, a well-known fact that there are many vicissitudes in industrial jobs, so that workers frequently do not receive a steady wage throughout the year, but may suffer many variations below normal. Accordingly, it is important to know not only what wages women in Rhode Island industries actually earned during one specific week, but how much they earned during the year. The question of yearly income is the important one in judging whether a worker is receiving a living wage, since it is the year's and not the week's wage by which she maintains her standard of living. The possibility of losing money through sickness, slackness in the industry, unemployment, change of job, fines or cuts in wages, must be considered. Furthermore, some pieceworkers complained of loss of money due to the necessity of cleaning machines without extra pay, or of waiting for work to arrive and for machines to be repaired. In fact, many circumstances besides those for which the worker is responsible are the causes of deductions in pay.

Stability of employment is a two-sided problem dependent upon the employer and the employee and is a matter of utmost importance to both. Industry has not yet been so organized that it can use all of its workers steadily and all workers are not yet so contented with jobs and the conditions of their work that they have abandoned the habit of change. Nevertheless, in every industry were found women workers who had been in their employment sufficiently long for their wages to be considered repre-

sentative of the wage opportunities for steady women workers in that industry.

In the study of yearly earnings an effort was made to secure the wage data of women who were steady workers, who had been with the establishment for at least one year, and who had not been absent from work for more than a few weeks during the year. Inexperienced and new workers were not included. In most cases the women for this study were selected by the managers in the various plants. Altogether annual earnings were recorded for 617 women, 7.9 per cent of the entire number for whom the weekly pay roll was secured. These women worked in the various plants in a variety of occupations and may be considered representative of what experienced women who were employed in the industries investigated in Rhode Island earned during the year from the fall of 1919 to the fall of 1920. (Pages 35-36.)

The table shows that the yearly median for all industries was $829; that is, one-half of the [617] women earned less than this amount and one-half earned more. The yearly earnings received in different industries show wide variations. The rubber industry had the highest yearly median, $978, and the 5-and-10-cent stores the lowest, $604. The median for all stores, $699, is $158 less than the median for all manufacturing establishments and $59 less than the median for laundries, placing the mercantile group last in the wage scale. (Page 36.)

It is apparent from the foregoing statements that certain industries enabled a good proportion of the women employees to obtain adequate yearly earnings. On the other hand, a further analysis of the wage figures and a comparison of these figures with the minimum wage rates adopted in several localities reveal the fact that a number of women in other industries failed to receive a living wage.

Since no budget or minimum-wage figures for Rhode Island are available, as a test of the adequacy of the earnings of the women, certain figures adopted by the wage boards of an adjoining State—Massachusetts, similar

in so many respects industrially to Rhode Island—may be used.

Some of the Massachusetts weekly-wage awards are:

$15 25 Women's Clothing Board. (Adopted 1920, winter.)

$15.50 Paper-Box Wage Board. (Adopted 1920, spring.)

$15.40 Office and Other Building Cleaners' Board. (Adopted 1921, spring.)

If earned for 52 weeks these wages amount in round numbers to $800 for the year. Exclusive of the median for all industries, three of the yearly medians in Table 5 are above and six are below the subsistence level set by Massachusetts. Jewelry, paper-box, and miscellaneous manufacturing, as well as stores and laundries, fall below the $800 requirement, the median of 5-and-10-cent stores being almost $200 below and the median of miscellaneous manufacturing more than $100 below.

The detailed figures of Table 5 reveal that of the 617 women in all industries, 44.1 per cent, or almost one-half, received less than $800 for the year. Over one-third of the women in the manufacturing establishments and about two-thirds in laundries and in stores received less than $800 a year. Furthermore, when we take $650 ($12.50 a week) as a minimum we find that 11.8 per cent of the women in manufacturing establishments earned less than this amount, while 33.7 per cent of those in stores and 17.6 per cent of those in laundries dropped below this mark. Those women in the last two groups who were steady and experienced workers in their industries were paid at a rate comparing very unfavorably with the minimum wage-rates of women in the same industries in California, the District of Columbia, and North Dakota, where experienced women employees in mercantile establishments receive $16, $16.50, and $17.50 respectively, and experienced women employees in laundries receive $16, $15, and $16.50 respectively.

The degree of steadiness of the women workers whose annual earnings were ascertained is shown in Table IX,

page 67, in the appendix. Of the total number of 617 women, nearly three-quarters (72.1 per cent) worked 50 or more weeks during the year, nearly one-quarter (23.3 per cent) working every week. Only 6 women of the 617 worked less than 43 weeks in the year. This is excellent testimony, not only to the stability of this picked group of workers but also to their health stability as women.

The detailed figures show that the earnings of the workers who lost not more than two weeks varied greatly from one girl with a yearly wage of between $350 and $400 to four women in rubber factories and metal shops who earned between $1,600 and $1,800. Over one-half (55.1 per cent) of this same group of women losing not more than two weeks earned between $700 and $1,000, about one-fourth (23.8 per cent) earned less than $700, and a smaller proportion (21.1 per cent), $1,000 and over. (Pages 38-39.)

Table IX.—Number of women working each specified number of weeks, of those for whom 52-week pay-roll records were secured, by industry.

Weeks Worked	All industries	Rubber manufacturing	Metal shops	Electrical manufacturing	Jewelry manufacturing	Paper-box manufacturing	Other manufacturing	General mercantile	5-and-10-cent stores	Laundries
37 and under 38	1	.....	.....	1	.....	.....	.....	.....	.....	.....
38 and under 39	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
39 and under 40	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
40 and under 41	1	.....	.....	1	.....	.....	.....	.....	.....	.....
41 and under 42	2	.....	.....	1	1	.....	.....	.....	.....	.....
42 and under 43	2	.....	.....	.....	.....	.....	1	.....	1	.....
43 and under 44	4	.....	1	1	1	.....	.....	1	.....	.....
44 and under 45	6	4	.....	1	1	.....	.....	.....	.....	.....
45 and under 46	11	7	1	1	.....	.....	.....	2	.....	.....
46 and under 47	15	4	1	4	1	.....	3	2	.....	.....
47 and under 48	29	16	3	5	1	.....	2	2	.....	.....
48 and under 49	41	18	2	8	4	4	3	1	1	.....
49 and under 50	60	20	7	6	2	6	11	7	.....	1
50 and under 51	107	24	16	16	15	4	15	11	2	4
51 and under 52	194	42	30	20	42	5	16	17	8	5
52	144	37	10	5	7	7	25	37	9	7
Total	617	172	71	79	75	26	76	80	21	17
Median earnings	$829	$978	$929	$868	$793	$758	$687	$727	$604	$758

(Page 67.)

Virginia.

U. S. Department of Labor. Women's Bureau. Bulletin No. 10. Hours and Conditions of Work for Women in Industry in Virginia. March, 1920.

Several women who worked as weavers in a silk mill reported a situation with regard to wages which was particularly difficult for them. It is usually the custom in mills to pay the weaver a weekly wage, based on the average amount of her earnings, when because of poor warp, stoppage of machinery, or other causes she has not been able to complete a "cut," for which she is usually paid by the yard. This system guarantees a regular income, a very important matter when a woman has not only her own expenses to meet but often those of her children or younger brothers and sisters. Three women reported that they were paid for only the completed cut. Thus sometimes, when they had had bad luck with their machine or when the warp had been particularly poor, they got no wage at all, and often received as little as $2.50 or $3.50 a week. As the causes for not getting out the work were entirely beyond the control of the weaver herself, it would seem to be a great injustice to penalize her in this manner. (Page 28.)

(b) Due to Seasonal Fluctuations of Employment. In Candy.

U. S. Department of Labor. Women in Industry Service. Bulletin No. 4. Wages of Candy Makers in Philadelphia in 1919. 1919.

Earnings in dull season.—It should be emphasized, moreover, that the entire discussion so far has centered about the earnings in a normal week. It is characteristic of the candy industry that the same level of employment is not maintained throughout the year. In slack seasons, workers may be dismissed or employed on part time. This prospect of no employment or work at greatly reduced pay is constantly hanging over the workers. (Page 29.)

Table 15.—Median Earnings of Woman Workers Employed in 10 Identical Candy Factories for One Weekly Pay-Roll Period in 1918 (dull season) and in 1919 (normal season.)

Establishment	1918 (dull season)	1919 (normal season)
No. 5	$4.06	$9.81
No. 7	5.55	7.41
No. 9	10.38	9.73
No. 10	1.78	9.07
No. 11	5.10	8.90
No. 12	4.13	8.90
No. 13	8.41	10.18
No. 17	8.75	10.50
No. 18	10.25	9.50
No. 20	17.50	15.50
Total	5.62	$9.60

The median earnings for a week in July or August, 1918, were $5.62, as compared with $9.60 for the same factories in January. The proportion of women receiving $13 and more is 17 per cent in the normal season in January and but 4 per cent in the dull season.

Irregularity of Employment.—Not only are the earnings almost split in half in the dull season but little more than half as many women are employed as in the busy season.

If we compare a woman's chance of steady employment in the candy trade with a man's, we find that in 11 plants nearly 1 of every two women, or 45.5 per cent, lose their positions in the summer, while only 3.3 per cent or one out of 30 of the men are turned off. The woman workers who are kept show a drop in earnings of 41.5 per cent and the men 40.2 per cent. In spite of this practically equal decrease in earnings, wages of the men in the dull season have a median of $10.96, contrasted with $5.62 for the girls. (Page 30.)

Table 17.—Maximum, Minimum and Average of Number of Wage Earners Employed and of Amount of Wages Paid During One Weekly Pay-Roll Period in 1918.

	Maximum for 1 week	Minimum for 1 week	Average for 1 week	Per cent Maximum is of Average	Per cent Minimum is of Average
No. of wage earners....	2,544	1,503	2,031	127.6	75.4
Amount of wages paid.	$38,368.63	$14,286.46	$24,606.70	155.9	58.1

(Page 31.)

If the average number on the pay-roll and the average amount paid in wages be regarded as 100 per cent, it is found that the maximum pay-roll is 156 and the minimum 58, while the number of employees fluctuates from 128 to 75.

It is impossible with any degree of accuracy to translate this variation in employment into terms of actual income of the workers, but it is obvious that their earnings are affected seriously by this irregularity in the industry. Those who are laid off in dull season may lose three or four months in the course of a year, thereby reducing their yearly income by a fourth or a third. Or, as already

indicated, if they are not out of work they are employed only for part time with earnings reduced accordingly. Although the median earnings in a busy season are a little more than $10 a week, it is certain that the median yearly income is not as much as $520. It would be liberal to estimate that $450 is the income below which half the workers fall. (Page 32.)

The pay-rolls for January or February showed that in that season, which is intermediate before the peak of the spring trade is reached of 1,237 workers for whom the data were secured, 363 worked the full week scheduled in the factory, 562 worked fewer than the regular hours, and 312 worked overtime. The median earnings for full-time workers were $10.77 as compared with $8.37 for the part-time workers, and $12.47 for those who worked overtime. (Page 33.)

Thus it is clear that irregular employment is an important cause of low earnings in the candy industry. That it is not the only cause is shown by the fact that in the columns representing a schedule of hours of 48 to 54, and 54 to 57, wages of $7, $8, and $9 are recorded and the whole group of these girls earning less than $14 a week or even less than $12 is considerable. Nevertheless, it seems evident that if efforts were made to regularize employment the income of candy makers as a group would be increased. Without such an effort the most serious problems of the trade will remain unsettled. (Page 34.)

U. S. Department of Labor. Women's Bureau. Bulletin No. 25. Women in the Candy Industry in Chicago and St. Louis. July, 1922.

The Seasonal Nature of the Industry.

The candy industry, on the whole, varies greatly throughout the year in regard to the extent of output and the number of employees. A survey of this industry in Philadelphia in 1919 showed a condition generally conceded to be typical of candy manufacture, namely, two busy seasons and two periods of depression, with pro-

nounced fluctuations in wages. The busy periods were the weeks preceding Christmas and Easter. The slack seasons were the summer months and the first part of January. The maximum force of employees and the maximum total of wages were shown to be in December. The minimum force was found in June, whereas the minimum payroll sum was for the first week in January, with a second low point in August.[1]

It is a well-known fact that the fall months are the busiest season in the manufacture of candy. At that time there is in most plants a considerable increase in the number of employees and in some plants a great deal of overtime. This period of extreme activity varies in different establishments, lasting in many from the first part of September until a week or two before Christmas. Of the factories included in the survey in Chicago and St. Louis, some reported a definitely busy period for November and December only, while others stated that the rush began as early as August.

The next busiest season in the industry is the latter half of February and most of March, the six weeks or so preceding Easter. This was true for the majority of the plants visited in the two cities, although some maintained that the output during these months in 1921 was below normal because of the lack of orders.

The summer months are generally acknowledged to be the dullest. A few plants included in the Chicago and St. Louis survey, however, asserted that they had managed to do away with this seasonal slackness, by the manufacture in the summer of such confections as crackajack, marshmallows and popcorn, thereby catering to the amusement-park trade. One factory which had its busiest season from May to October shipped goods of this sort South even in February. Such systems might not be possible for those firms which specialize in a particular variety of candy, but other adjustments might be made to prevent unduly long dull stretches. In one large factory, for example, employing between 500 and 600 workers, and

[1] U. S. Department of Labor, Woman in Industry Service. Wages of Candy makers in Philadelphia in 1919, Bulletin No. 4, 1919, p. 31.

manufacturing chocolates, bonbons, and hard candies, there was no slack season, since the firm "put up stock" in the summer. Another manager said that after seasonal rushes he made an effort to keep the girls busy at box-cutting, folding, making bonbon cups, and so on.

An analysis of the normal season fluctuation in terms of the total number of employees and the total wages paid for each week of the year in the factories visited in Chicago and St. Louis is hardly possible since 1920-21 was such an abnormal period. Table I in the appendix, which gives the total force and total pay rolls in a number of identical plants week by week, from the latter part of February, 1920, to the same period in 1921, serves as an index not so much of seasonal variations as of the effects of the industrial depression upon the industry. The table shows that in 13 St. Louis factories the maximum force was employed in the week ended October 2, while the maximum amount of wages was paid the following week. The minimum force and the minimum pay roll were found to be for the same week in the year—the week ended January 1. The next lowest in regard to number of workers and amount paid in wages was the following week in January, a more representative period, since it contained no holiday. A rather parallel record was shown for 22 Chicago plants. The maximum force was employed in the week ended October 9, and the maximum pay roll was for the preceding week. The minimum force and minimum pay roll were for the week ended January 1. The next lowest week for wages for the 22 firms was the following week, although the next lowest from the standpoint of number of employees was the week ended January 22.

Six other Chicago firms reported that output had been so adjusted as to avert summer slackness or that because of the kind of product the summer months were a busier season than were other periods. The figures for these firms form a separate compilation in the table. They show the maximum number of employees and the maximum pay roll to have been in the middle of September, but the minimum force and pay roll to have been for the week ended January 1.

In general, the whole table would indicate certain fluctuations. There appeared for 1920 a normal preparation for Easter in the two cities. Apparently, because of the general business prosperity which characterized the spring and early summer of 1920, the usual summer slackness in the candy trade showed its usual increased activity which reached a peak in the early part of October. According to reports from the industry at about this time candy manufacturers noticed a general falling off in orders. This led to a gradual slackening in output instead of the usual increase in the weeks which followed. Accordingly, the customary December climax was not reached. To be sure, the first part of December showed a slightly rising curve for production but a falling one for the number of employees. As has already been pointed out the lowest point for the year was experienced the first part of January. By the middle of February business was again increasing, but as far as number of employees and amount paid in wages were concerned, it appeared on the whole to fall below the level of the last week of February, 1920.

Some comparison of the year's record in Chicago and St. Louis with the year's record in Philadelphia is possible from the following table which shows the relation to the average, of maximum and minimum weekly forces and pay rolls:

Table 5.—Per Cent Relation Between Average, Maximum and Minimum Weekly Forces and Pay Rolls, Philadelphia,[1] St. Louis and Chicago.

	Per cent maximum is of average				Per cent minimum is of average				Per cent minimum is of maximum			
	Philadelphia	Chicago A[2]	Chicago B[3]	St. Louis	Philadelphia	Chicago A[2]	Chicago B[3]	St. Louis	Philadelphia	Chicago A[2]	Chicago B[3]	St. Louis
No of employees	127.6	123.2	131.4	123.1	75.4	63.1	27.9	51.2	59.1	51.2	21.3	41.6
Amount of wages	155.9	[4]129.4	136.4	132.4	58.1	54.9	26.8	41.3	37.2	42.5	19.7	31.2

[1] U. S Department of Labor, Woman in Industry Service. Wages of candy makers in Philadelphia in 1919, Bulletin No. 4, 1919, p. 31.
[2] Chicago A represents 12 Chicago establishments reporting slack summer season.
[3] Chicago B represents 6 Chicago establishments reporting busy summer season.
[4] About 2 per cent lower than it should be because one plant gave no record of amount paid in wages for the week with the maximum pay roll.

If the average number of employees on the pay roll and the average amount paid in wages be regarded as 100 per cent, we find that the Philadelphia plants soared to a higher point above the average in regard to both the maximum force and maximum pay roll than did the St. Louis and Chicago establishments, with one exception. The firms under Chicago B showed a higher peak than did the Philadelphia firms for the maximum number of employees. However, when all the 28 Chicago plants for which these data were gathered are combined, the percentage which the minimum pay roll forms of the maximum is pulled down below the corresponding Philadelphia percentage. These more unfavorable conditions in Chicago and St. Louis are undoubtedly traceable to the industrial depression. Even when due allowance is made for this abnormal slump, Table I in the appendix throws considerable light on the seasonal vicissitudes to which candy makers are subjected and is indicative of the hardships resulting from such irregularity of employment. (Pages 21-22.)

Table I.—Total Number of Employees, Male and Female, and Total Earnings During Each Week of the Year from February, 1920, to February, 1921, in 28 Chicago and 13 St. Louis Factories.

Week ending—	Chicago (22 firms reporting slack summer season)		Chicago (6 firms reporting busy summer season)		St. Louis (13 firms reporting)	
	Number of employees	Amount of pay roll	Number of employees	Amount of pay roll	Number of employees	Amount of pay roll
Feb. 28	1,859[1]	$41,066.22	1,385	$28,642.52	942	$14,272.86
Mar. 6	2,706	60,516.44	1,343	28,034.83	1,011	14,657.52
Mar. 13	2,637	59,908.06	1,322	26,902.10	996	14,896.13
Mar. 20	2,748	57,987.30	1,089	22,931.57	1,017	15,119.46
Mar. 27	2,697	58,220.26	1,034	22,501.60	970	14,504.21
Apr. 3	2,656	56,988.22	1,061	20,522.22	923	14,332.64
Apr. 10	2,654	54,782.98	1,158	24,109.24	890	13,631.93
Apr. 17	2,719	56,997.06	1,161	24,857.41	884	13,518.42
Apr. 24	2,716	58,688.60	1,239	26,753.86	913	13,632.46
May 1	2,866	61,337.79	1,295	28,545.17	897	13,677.07
May 8	2,876[2]	64,160.06	1,371	30,368.30	935	14,621.79
May 15	3,049	65,027.56	1,410	31,409.49	931	14,673.59
May 22	3,150	70,136.52	1,533	35,570.78	909	14,659.15
May 29	3,081	73,693.05	1,601	37,055.23	917	14,511.96
June 5	3,094	59,807.66	1,606	32,036.32	904	13,258.95
June 12	2,962	67,602.49	1,723	35,664.36	954	14,891.17
June 19	2,919	67,180.74	1,722	37,305.60	988	14,773.18
June 26	3,032	69,419.43	1,749	38,022.28	948	14,791.13
July 3	3,191	66,486.33	1,764	35,596.29	899	12,811.77
July 10	2,983[3]	53,600.27	1,752	32,393.20	868	10,437.27
July 17	3,155	68,937.60	1,775	38,429.68	934	14,480.56
July 24	3,278	72,214.98	1,757	38,501.17	942	12,851.87
July 31	3,296	72,462.62	1,711	37,391.05	920	14,485.76
Aug. 7	3,220	72,416.92	1,756	34,557.52	962	15,005.08
Aug. 14	3,364	74,394.98	1,718	38,178.36	963	15,394.46
Aug. 21	3,334	73 429.16	1,704	37,716.78	1,019	15,599.29
Aug. 28	3,441	76,415.11	1,704	39,317.79	1,047	16,591.13
Sept. 4	3,425	76,751.00	1,756	40,635.33	1,048	16,807.67
Sept. 11	3,352	71,003.81	1,750	33,196.92	1,118	14,828.55
Sept. 18	3,533	81,117.38	1,777	40,155.82	1,101	17,692.91
Sept. 25	3,552[3]	82,142.13	1,738	39,960.54	1,080	17,885.42
Oct. 2	3,511	82,353.14	1,547	34,662.50	1,130	18,022.55
Oct. 9	3,590	80,432.67	1,287	29,056.11	1,125	19,021.92
Oct. 16	3,494	77,635.23	1,145	26,738.52	1,102	18,080.86
Oct. 23	3,376	79,065.41	1,366	29,530.78	1,100	18,014.71
Oct. 30	3,390	75,647.93	1,303	30,357.48	1,031	16,453.70
Nov. 6	3,175	71,113.74	1,213	26,550.43	971	14,641.38
Nov. 13	3,114	70,896.70	1,109	26,777.26	942	15,282.81
Nov. 20	2,990	63,533.43	1,017	23,270.45	921	14,946.92
Nov. 27	2,926	61,214.79	1,059	26,135.76	889	13,406.84
Dec. 4	2,671	65,910.17	1,188	31,295.45	881	15,095.85
Dec. 11	2,793	63,879.64	1,138	31,813.42	853	15,112.60
Dec. 18	2,633	58,356.00	1,121	27,606.47	793	14,084.76
Dec. 25	2,321	44,503.57	947	18,269.65	654	11,203.10
Jan. 1	1,838	34,964.11	378	7,992.20	470	5,934.95
Jan. 8	2,152	42,008.40	555	13,582.53	593	8,262.75
Jan. 15	2,193	44,782.43	775	18,716.97	721	11,036.17
Jan. 22	2,145	44,148.04	854	19,758.49	734	12,353.11
Jan. 29	2,322	48,986.81	1,071	22,946.41	774	12,007.64
Feb. 5	2,350	50,535.29	1,167	24,584.47	783	12,322.98
Feb. 12	2,475	52,035.03	1,282	26,900.89	760	12,003.14
Feb. 19	2,482	52,422.83	1,303	28,104.02	683	10,267.26
Total	151,540	$3,309,320.14	70,340	$1,549,663.59	47,740	$746,821.36
Weekly average	2,914.2	$63,640.77	1,352.7	$29,801.22	918	$14,361.94

[1] Exclusive of two firms not reporting.
[2] One firm not reporting.
[3] Includes one firm reporting men only for this week.

In Millinery.

Massachusetts. Minimum Wage Commission. Bulletin No. 20. Report on the Wages of Women in the Millinery Industry in Massachusetts. May, 1919.

Straw Hat Factories.

Total Earnings and Months of Employment.—Annual earnings for both groups of workers were surprisingly low. Nearly one-half of the machine operators earned less than $200 in the year, and almost one-fourth less than $100. The showing for hand finishers is still more unfavorable. Two-thirds received less than $200 for the year, and nearly one-half less than $100. The relatively higher earnings of the miscellaneous group is due in part to the inclusion, as noted before, of women whose occupations are not only responsible but more or less permanent. Of the total number in the three groups, only one-sixth earned $400 or over for the year. Doubtless many of the women voluntarily abandon the work after a few weeks. It is, however, in the fact of involuntary unemployment due to the seasonal character of the occupation that part of the explanation is to be found.

Fluctuation of employment in hat factories as related to occupations and establishments is shown in Tables 6*a* and 7*a*. Less than one-third of the machine operators had work for six months in the year, and only one-tenth for nine months. Employment of finishers was somewhat steadier. About three-fourths of the miscellaneous group worked six months in the year. Of the women in the three groups, only 1.3 per cent had employment for the entire twelve-month period. (Pages 21-22).

Flower and Feather Shops.

Fluctuation of Employment.—Fluctuation of employment in the flower and feather-making industry is modified by the partial union of these two processes in Massachusetts shops. Were artificial flower-making alone considered, more pronounced variation would be shown, since

this is a wholly dependent industry with its conditions determined by those in other branches of the millinery trades. The chart on fluctuation shows that the month of maximum production in flower-making is November; the dullest season is late July, when employment drops abruptly and not more than 10 or 12 per cent of the normal force is employed. The busiest month for feather-making is September, the quietest, December. In the Boston shops the period of high activity is to a certain extent accompanied by home work on the part of some of the wage earners. (Page 23.)

Wholesale Millinery Establishments.

Fluctuation of Employment.—Of the four branches of the millinery industry, the wholesale trade shows by comparison the least variation in the numbers employed in different seasons. (Diagram.) There is, however, considerable difference in the steadiness of employment of the various groups of workers. None of the hand finishers, trimmers, or apprentices, and few of the makers, worked more than nine months in the year. (Table 6*b*.) There is also marked variation in this respect between the different establishments. In only 4 out of the 10 investigated had any one worked the full twelve months. Of the total number of women for whom records were available, only 2.0 per cent were employed the entire year; less than one-fifth were employed nine months; and less than one-third for six months. (Pages 25-26.)

Retail Millinery Establishments.

Total Earnings and Months of Employment for the Year.—The total earnings of one-third (33.0 per cent) of all the women workers in the establishments investigated were under $100, while less than one-fifth (18.5 per cent) earned as much as $450 for the year. The highest yearly incomes were received by the trimmers, a fact due not only to the high wage paid to women in this occupation, but to the relatively steady employment it affords. Over one-half (55.7 per cent) of the trimmers were employed

for at least ten months of the year, while only one-fifth (20.8 per cent) of the makers and 3.9 per cent of the apprentices worked for that length of time. (Table 6*c*.) Length of employment varies greatly from one establishment to another, as shown in Table 7*d*. In the majority of cases the period of employment did not represent consecutive months of work. Each busy season was followed by intervals of unemployment escaped by few. Of the entire group of workers considered, one-third (33.0 per cent) had employment for nine months in the year, a somewhat larger proportion than that found in hat factories or wholesale millinery establishments. (Page 27.)

Owing to the seasonal conditions prevailing in all branches of the industry, comparatively few of the women, even in the higher wage classes, had total earnings for the year that would represent a living wage when distributed over fifty-two weeks. Trimmers in the custom shops had the longest period of employment and the highest annual earnings of any group. In spite of the short working period for the majority, very few reported a secondary occupation during the slack season. Irregularity of employment is a characteristic of the millinery trades. The least variation, however, in the number of workers employed during the different months of the year was found in the wholesale establishments, while the most pronounced fluctuation was shown by the flower and feather shops. (Pages 29-30.)

Table 6.—Fluctuation of Employment, by Occupations.

(a) Straw Hats (Among 938 Workers)

Occupations	Per cent. of Workers Employed for Specified Number of Months											
	12	11	10	9	8	7	6	5	4	3	2	1
Machine operators	.8	3.6	6.3	10.0	13.4	19.9	28.8	39.8	58.4	69.1	77.8	100
Hand finishers	1.6	9.3	15.6	20.6	23.7	29.6	33.1	38.5	51.4	64.6	79.0	100
Miscellaneous	4.8	12.7	33.3	44.4	57.1	69.8	76.2	84.1	88.9	98.4	98.4	100
Total	1.3	5.8	10.7	15.2	19.2	25.9	33.2	42.4	58.5	69.8	79.5	100

(b) Wholesale millinery (among 393 Workers)

Machine operators	1.9	11.6	17.1	21.8	22.7	28.2	32.9	40.3	49.5	63.9	75.5	100
Hand finishers	....	....	....	4.0	8.0	16.0	16.0	24.0	28.0	36.0	44.0	100
Trimmers	....	....	....	16.7	16.7	33.3	33.3	33.3	33.3	66.7	66.7	100
Makers	....	.9	4.5	9.8	17.0	21.4	24.1	27.7	35.7	53.6	72.3	100
Apprentices	....	....	....	9.1	9.1	9.1	9.1	18.2	18.2	36.4	54.5	100
Miscellaneous	17.4	30.1	47.8	47.8	52.2	52.2	60.9	65.2	78.3	82.6	91.3	100
Total	2.0	8.9	13.5	18.3	21.4	26.5	30.3	36.4	44.8	59.5	72.8	100

(Page 48)

(c) Retail millinery (among 351 Workers)

Occupations	Per cent. of Workers Employed for Specified Number of Months											
	12	11	10	9	8	7	6	5	4	3	2	1
Trimmers	3.3	27.9	55.7	60.7	67.2	67.2	68.9	70.5	73.8	86.9	93.4	100
Makers	....	5.4	20.8	30.7	35.6	39.1	47.5	53.5	65.4	73.8	88.1	100
Apprentices	....	2.0	3.9	3.9	3.9	5.9	7.8	7.8	11.8	21.6	78.4	100
Miscellaneous	5.4	16.2	32.4	40.5	45.9	54.1	56.8	56.8	59.5	67.6	78.4	100
Total	1.1	10.0	25.6	33.0	37.6	40.7	46.4	50.1	58.4	67.8	83.8	100

(Page 49)

Table 7 (b).—Fluctuation of employment.

Flower and feather factories (among 182 workers)

Total	....	25.8	32.4	34.6	37.4	41.2	43.4	47.8	54.9	64.8	74.2	100

(Page 50)

In Canning and Preserving.

Massachusetts. Minimum Wage Commission. Bulletin No. 19. Wages of Women Employed in Canning and Preserving Establishments in Massachusetts. March, 1919.

From the data secured it appears that at the time of the investigation nearly nine-tenths of the women and girls employed in canning and preserving establishments were receiving less than $9 a week, and over two-thirds were receiving less than $8 a week. Results of the investigation show fairly long hours in the industry,—for the majority of establishments, running hours of fifty to fifty-four a week. The seasonal problem is a serious one, well marked in each branch of the industry. Only one-tenth of the women in all the establishments had employment throughout the year, and only two-fifths had employment for half the year. (Page 20.)

To what extent the situation created by varying seasonal demands is accentuated by voluntary shifting on the part of the workers it is not possible to say. Inasmuch as the labor turnover is particularly high in unskilled and poorly paid occupations, this is probably a factor in determining the result. (Page 16.)

In both types of factories rates for the majority of workers were below the standard of living; 59.3 per cent of the women employed in fish canning establishments, and 71.4 per cent of those in the other establishments, were scheduled to receive less than $9 a week. Only 51 had total annual earnings of as much as $450, or the equivalent of $9 a week throughout the year. (Page 20.)

In Clothing.

Massachusetts. Minimum Wage Commission. Bulletin No. 13. Wages of Women in Men's Clothing and Raincoat Factories in Massachusetts. December, 1916.

Four hundred and thirty-two, or almost two-fifths of the total number [1,132 workers covered in the investigation] received less than $100 in the course of the year, and only 94, or less than one-tenth, received as much as $400 or the equivalent of $8 a week throughout the year. It is not possible to state how much of the difference between the average weekly wage and the total annual earnings is due to illness or unemployment, and how much to employment in other establishments or industries. Undoubtedly many of the workers, especially of those earning $200 or less, had some supplementary employment in the course of the fifty-two week period, while others were young persons entering the trade for the first time or leaving it to get married during the year. One of the most important causes for low annual earnings in this industry is, however, without question, involuntary unemployment resulting from a reduction of the working force during the slack seasons. (Page 23.)

(4) The Bulk of Wage-earning Women Must Support Themselves.

In all minimum wage legislation the living wage for women is based on the needs of a single woman.

Practically, statistics show that in the industries and occupations with which minimum wage legislation is concerned, the bulk of the girls living at home, work to support themselves, not for extra spending money.

Theoretically, the minimum wage is the sum necessary to support the average woman. Opponents claim that because a number of girls are living at home the minimum should be lower than the cost of living for an independent woman. In any calculation, however, the girls at home and largely supported by their fathers are offset by those who are supporting aged parents or other dependents.

District of Columbia.

House of Representatives. 65th Congress. Second Session. Report No. 571 Submitted by Mr. Hilliard, from the Committee of the District of Columbia. Minimum Wage Board for the District of Columbia. May, 1918.

The investigation in the District showed that as in many other communities about a third (in Washington 31 per cent) of the women at work were living away from home. This answers the frequent assertion that working girls do not need to be paid a living wage because they are supported by their families and are merely supplementing the family income. The wages paid must take into account this substantial proportion of wage earners who are not living with families. Moreover, 21 per cent of the 600 women interviewed had dependents. That is, one-fifth were under the necessity of contributing to the support of others, besides supporting themselves. On the

other hand, 45 per cent needed to receive outside assistance in order to make both ends meet. (Page 4.)

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Review. January, 1918. Cost of Living in the District of Columbia.

At Home and Away From Home.

Of the 600 women, 414, or 69 per cent, lived at home with their immediate families, all but 51 of these living with parents. The remaining 186, or 31 per cent, lived away from home, either in private families, in boarding houses, in working-girls' homes, or were housekeeping in lodgings on their own account. Their distribution on this point is shown in the following table, by income groups:

Living Conditions and Annual Income.

Annual income	Total	At home	Away from home				
			Total	Private families	Housekeeping	Boarding houses	Homes for working girls
Under $300	133	100	33	15	13	..	5
$300 and under $400	141	105	36	19	8	5	4
$400 and under $500	107	74	33	14	12	6	1
$500 and under $600	88	54	34	17	7	7	3
$600 and under $700	53	37	16	3	7	3	3
$700 and under $800	43	24	19	10	8	1	..
$800 and under $1,100	35	20	15	6	3	3	3
Total	600	414	186	84	58	25	19

(Page 4.)

It is to be emphasized that living at home does not necessarily mean that a woman is assisted by her family. Usually, such a woman is in a more favorable economic position than women away from home, inasmuch as she has assistance at hand in case of sickness or unemployment. But this is not always the case, as many of the women listed above as living at home were not only sup-

porting themselves, but were also supporting their families in whole or in part. Moreover, many girls stayed at home when they might have secured better positions and more independence by going to some other place, because they felt their services or companionship in the home was needed by their parents even when no financial assistance was given to the family.

Degree of Self-Support.

The degree in which women workers may be receiving assistance from their families or other sources is a very important factor in the industrial world, for to the extent that such workers are having their regular wage supplemented by outside assistance, they are able to offer their services in the labor market at lower rates than are workers entirely dependent on their own resources. The most frequent example of this sort of subsidized labor is that of girls living at home and receiving board and lodging free or at nominal rates.

Of the 600 women included in this study, 272, or 45 per cent, were found to be in receipt of outside assistance. The remaining 328, or 55 per cent, were entirely self-supporting, and in addition, 129 of these 328 had other persons wholly or partially dependent upon them for support.

In this grouping into "assisted" and "self-supporting," the effort was made to group as self-supporting only those women who received no contribution to their living expenses from their families or others. Thus a number of cases were placed in the "assisted" group, in which the assistance received was comparatively slight. On the other hand, in a number of cases a girl was classed as self-supporting when she probably could not have obtained the same living conditions at the same price commercially, and so the two groups would balance each other to a large extent.

At best, the question of assistance is one that often can not be readily determined. Usually it is in the form of board or lodging without pay or at reduced rates. But

sometimes, particularly with women living at home, assistance is given in forms impossible to trace. The facts here presented were obtained by very careful inquiry, and the classifications are as accurate as it is possible to make them.

As would be expected, assistance occurred chiefly among the women workers with the small annual incomes. Thus of the 274 women with incomes of less than $400 per year (approximately $8 per week), 203, or 74 per cent, were assisted. On the other hand, 6 women, or 17 per cent, of those receiving $800 or more per year were assisted. These, in part, belonged to what might be called the "pin money" group—young women of well-to-do families. On the whole, however, this investigation found very few women of this class. Certainly 99 per cent of all those included were working because working was necessary.

The following table gives detailed data by income groups showing the number of women living at home or away from home and whether they were assisted or self-supporting, and with or without dependents: (Pages 5-6.)

Annual Income and Living Conditions.

Annual income	Total	At home			Away from home		
		Assisted	Self-supporting	Self-supporting with dependents	Assisted	Self-supporting	Self-supporting with dependents
Under $300	133	91	5	4	16	15	2
$300 and under $400	141	76	17	12	20	13	3
$400 and under $500	107	28	29	17	5	22	6
$500 and under $600	88	15	19	20	3	18	13
$600 and under $700	53	9	15	13	2	11	3
$700 and under $800	43	..	11	13	1	10	8
$800 and under $1,100	35	4	4	12	2	10	3
Total	600	223	100	91	49	99	38
General Total			414			186	

(Page 6.)

Arkansas.

Arkansas Bureau of Labor and Statistics. Third Biennial Report. 1917-1918.

Need of Applying Minimum Wage and Maximum Hour Law to All Female Workers.

The demand for the Minimum Wage and Maximum Hour Law is an expression of awakened social conscience of the people of Arkansas. Thinking men and women are everywhere realizing the individual and social menace of the low wage and demanding that it be made possible for able-bodied, willing women to earn their living by their day's work.

The right to earn a living and the right to live are indistinguishable terms. We are told the wages of the women need not be adequate for their support, as many of the girls and women live at home. When this fact is given by the employer, he admits he is not paying a living wage, as the brother or father has to supply what he refuses to pay.

Another reason advanced for the low wage is that the women or girls have no one dependent upon them. Of all the hundreds of female workers we have interviewed in four years, we have not found one who is not either dependent upon her own support or has others to support, ofttimes aged parents, invalid relatives or children whom a father has deserted. What can $3.00, $5.00 or $7.50 a week procure for such a worker?

These women, potential mothers of another generation, each one as a result of low wages and long hours, represent a lowered vitality and constant trend toward degeneracy.

The most costly production of any nation is not its valuable minerals, nor the out-put of its cotton or hogs, but its boys and girls. Therefore, it is time for Arkansas to give every protection to the female workers, that they may receive a living wage to make possible decent nutrition, decent clothing, decent living conditions and have time and strength for education and development of all

the fine powers hidden and held within them. (Pages 15-16.)

U. S. Department of Labor. Women's Bureau. Bulletin No. 26. Women in Arkansas Industries. 1923.

Table XXI.—Living Condition of the Women Employees Who Supplied Personal Information, by Industry.

Industry	Number of women reporting	Number of women who were— At home or with relatives	Adrift
Manufacturing:			
Candy	52	46	6
Drugs	12	11	1
Garments	227	190	37
Mattresses, tents, and awnings	41	36	5
Wood products	163	154	9
Miscellaneous manufacturing	117	108	9
Printing and publishing	55	43	12
General mercantile	612	521	91
5-and-10-cent stores	112	100	12
Laundries	366	312	54
Telephones	439	347	92
Hotels and restaurants	365	258	107
Total	2,561	2,126	435

California.

California Industrial Welfare Commission. Second Biennial Report. 1915-1916.

One of the questions formerly debated but fortunately now nearly obsolete, is whether women work because of necessity or because of a desire for independence. Economists and students of the industrial problem recognize that as men's earnings are depressed by small wages, higher cost of living and periods of unemployment, just so surely are women and children forced into industrial life to supplement the inadequate family wage

This table shows that of 4810 women studied by the California Retail Dry Goods Association—

1109 or 23.06 per cent lived at home and were not dependent on their earnings for support;
1819 or 37.81 per cent lived at home and contributed to the family support;
1330 or 27.65 per cent were self-dependent entirely, and
552 or 11.48 per cent were self-dependent with others dependent upon them, or a total of 3,710* or 77.13* per cent of these women worked because of necessity. (Page 48.)

*Mistake in calculation. Should read "3701 or 76.94 per cent."

Georgia.

U. S. Department of Labor. Women's Bureau. Bulletin No. 22. Women in Georgia Industries. January, 1922.

Conjugal Condition and Home Responsibilities.

It would be natural for married women and those who had been married, if they had children, to keep house rather than to board. Also young women under 20 are more apt to live with their families, if they can, than to board. As 50.2 per cent of the women either were married or had been married, and 30.4 per cent were under 20 years of age, it would seem probable that the large majority of women lived at home. This proved to be the case, for of a total of 2,919 women reporting on living conditions, 85.7 per cent were living at home or with relatives. (See Tables XVIII and XIX, Appendix.)

Investigation and general knowledge have established the fact that the great majority of working women who live at home have definite home duties and burdens of various kinds. This is as true for the working women of Georgia as for any other group. Among the women interviewed during the course of this investigation there were many single women and girls who had shouldered the financial responsibility for parents and younger brothers and sisters. (Page 57.)

Table XVIII.—Conjugal Condition of the Women Employees Who Supplied Personal Information, by Industrial Group—Atlanta and Georgia.

Industrial Group.	No. of women reporting.	Number and per cent who were— Single. No.	Single. Per cent.	Married. No.	Married. Per cent.	Widowed, separated, or divorced. No.	Widowed, separated, or divorced. Per cent.
Stores	660	405	61.4	133	20.2	122	18.5
Factories*	2,225	1,062	47.7	687	30.9	476	21.4
Laundries	247	93	37.7	91	36.8	63	25.5
Total	3,132	1,560	49.8	911	29.1	661	21.1

Table XIX.—Living Condition of the Women Employees Who Supplied Personal Information, by Industrial Group—Atlanta and Georgia.

Industrial group.	No. of women reporting.	Number and per cent who were— At home. Number.	At home. Per cent.	Adrift. Number.	Adrift. Per cent.
Stores	679	556	81.9	123	18.1
Factories*	2,016	1,753	87.0	263	13.0
Laundries	224	193	86.2	31	13.8
Total	2,919	2,502	85.7	417	14.3

*Manufacturing establishments.

(Abbreviated.) (Page 84.)

Illinois and Missouri.

U. S. Department of Labor. Women's Bureau. Bulletin No. 25. Women in the Candy Industry in Chicago and St. Louis. 1923.

Home Responsibilities and Living Conditions.

Almost one-fourth of the women workers in the St. Louis plants and over one-third in the Chicago were married, widowed, separated, or divorced and hence, in all probability, had some home responsibilities. (Page 57.)

Table XIII.—Conjugal Condition of the Women Employees Who Supplied Personal Information.

City.	No. of women reporting.	Number and per cent whose conjugal condition was— Single. Number.	Single. Per cent.	Married. Number.	Married. Per cent.	Widowed. Number.	Widowed. Per cent.	Divorced. Number.	Divorced. Per cent.
Chicago	1,111	695	62.6	305	27.5	90	8.1	21	1.9
St. Louis	421	319	75.8	60	14.3	26	6.2	16	3.8
Total	1,532	1,014	66.2	365	23.8	116	7.6	37	2.4

(Page 72.)

Table X.—Nativity of the Women Employees Who Supplied Personal Information.

City	No. of women reporting.	Native-born white Number.	Native-born white Per cent.	Foreign-born Number.	Foreign-born Per cent.
Chicago	1,128	741	65.7	387	34.3
St. Louis	416	392	94.2	24	5.8
Total	1,544	1,133	73.4	411	26.6

(Page 71.)

Kansas.

U. S. Department of Labor. Women's Bureau. Bulletin No. 17. Women's Wages in Kansas. May, 1921.

For years the theory has stubbornly persisted that women were in industry only for a short time, and that their earnings were of no very great social significance because "the family," the unit of modern civilization, was dependent upon woman not as a wage earner but as a home-keeper. More and more, however, modern industrial studies show that women wage earners have a double social significance. For it is being found that they are contributing a by no means insignificant proportion of the family wage, in many cases being the entire support of a good-sized family, while at the same time fulfilling their other age-old function of home-keeper. It is for this reason that any account of women's wages to-day must be accompanied by an account of their home responsibilities,

for their wages are still based on the old theory that they have no family responsibilities as wage earners, with disastrous results upon the standards of life and health for the maintenance of which they are in many cases responsible.

"How do they do it?" was the question that recurred again and again in the minds of the investigators as they interviewed one girl after another and heard her story of need at home which was relieved only by her earnings; of sick fathers, little brothers and sisters, or widowed mothers who had given out after many years of struggle to bring up and educate their families and had passed the burden on to their daughters. (Page 53.)

Summary.

The following statement gives in brief the main facts about the dependents and home responsibilities of the [Kansas] women from whom records were secured, more than 5,000 in number, where personal data only were secured, and 4,329 in number where pay-roll figures also were available:

Living condition.

84.3 per cent were living with their families.

15.7 per cent were living independently.

Conjugal condition.

61.2 per cent were single.

22.5 per cent were married.

16.3 per cent were widowed, separated, or divorced.

Total dependents were supported by—

12.4 per cent of the women whose weekly wages were $15 to $17.50.

15.7 per cent of the women whose weekly wages were from $17.50 to $20.

13.4 per cent of the women whose weekly wages were from $20 to $25.

13.0 per cent of the women whose weekly wages were $25 and over.

6.1 per cent of all the women for whom records were secured.

Amount contributed to the family.

39.0 per cent contributed all of their earnings.

36.1 per cent contributed part but not all of their earnings.

24.8 per cent contributed nothing.

Contribution by age.

All of their earnings were contributed by—

55.5 per cent of the women who were from 25 to 30 years old.

75.9 per cent of the women who were from 30 to 40 years old.

85.5 per cent of the women who were from 40 to 50 years old.

87.4 per cent of the women who were from 50 to 60 years old.

85.0 per cent of the women who were over 60 years old.

If the girl who lives at home can get on with a smaller expenditure of cash she usually supplements her contribution to the family budget with many hours of housework or the care of the old or young members of the family, so that her value as a contributor to the family is considerably enhanced. In fact, "living at home" for the girl who works means often that she is doing double duty and that, in spite of a sometimes very small pecuniary contribution, the family is more dependent upon her than she is upon the family. (Page 54.)

But the fact that 84 per cent of the women included in this investigation were living at home does not mean that they were living at home without carrying their full share of the home responsibility. Even where the cash contribution to the family fund was so small as to make it seem that the contributor was one only in name and not in fact, a closer study of the contribution made in the form of housework or other assistance at home brought the value of the total contribution far beyond mere self-support. For instance, one woman telephone operator, making $9.36 a week, seemed to the investigator to have made a very easy arrangement when she stated that she

and her 8-year-old son lived with her brother-in-law and that she contributed $3 a week for the two of them. Further questioning, however, developed the fact that she did all the sewing for her sister and four children, sewing even during rest periods at the telephone exchange, and helped with the housework in her spare moments, surely a not inconsiderable contribution toward her share in the family budget. (Page 56.)

"Living at home, house rent-free," was the report of another woman, this time a worker in a laundry. The record showed that she was married and had two children and made an average wage of $9.98 a week. With a husband, and house rent-free, this did not seem such an unsatisfactory condition, especially as she worked only four days a week. A closer examination of the record showed, however, that the husband has been paralyzed for five years and is totally unable to work, and that he and the two children must depend entirely upon this one woman. Under these circumstances the four days of regular work a week do not provide a sufficient income, for an idle day means a wageless day, and the one wage earner of the family must resort to house cleaning and washing for the other two days, bringing her income up to about $13 a week. The item "house rent-free" which looked so promising on the first glance at the record was the one thing which permitted the family to keep together. In this case a sister was the owner of the house and let them use it free of charge, so that it was the sister who was supplementing the inadequate wage from the part-time work offered by the laundry, and making it possible for this woman to accept the wage and keep up the struggle to "live at home." (Pages 56-57.)

Conjugal Condition.

Women who were widowed, divorced, or living apart from their husbands are discussed here as a unit. From the viewpoint of dependency and home responsibilities their problems are alike; for the woman whose husband deserts her, as well as the woman whose husband dies,

has the responsibility for her family thrust upon her when under normal circumstances she might expect to be in a very different position in the family.

It is not, however, only the widowed and divorced group whose conjugal condition had brought with it increased responsibilities and cares. Among the group of married women were many whose husbands as well as children were dependent upon them, sometimes only partially but in many cases entirely. (Page 59.)

Composition of Families.

Table 18.—Composition of the families of 4,748 women interviewed who reported complete data, according to persons at work and persons not at work.

Number at work	11,997
Number not at work	8,986
Total number in families	20,983
Average size of family	4.42
Average number of wage earners	2.53
Average number of persons per wage earner	1.75

(Condensed) (Page 60.)

Total Dependents.

In considering the question of the actual number of persons who are dependent upon another person for support it is necessary to point out that in the greater part of the dependency problem with which women are faced it is not a question of one woman being the sole support of one or more persons. Most frequently the woman wage earner is one of several wage earners in a family, none of the dependent members of which can be considered to be totally dependent on any one of the wage earners. Two daughters may be supporting their mother, a father and mother may be supporting five or six children, or a father and daughter may be supporting several dependent members of their family. In all of such families there can not accurately be said to be any one person totally dependent upon any one other person.

This table shows that 6 per cent of all the women for whom pay-roll information was obtained were supporting total dependents. In addition to their own support these women were responsible for an average of 1.76 other persons. (Page 67.)

Proportion of Earnings Contributed.

This table shows that 27.6 per cent of the women were contributing nothing to the family and were independent of any financial responsibility of that sort. On the other hand 37.3 per cent were contributing all and 35.1 per cent were contributing part of their earnings.

The percentage of those who were contributing nothing undoubtedly is increased by the fact that 15.7 per cent of the women who were included in this survey were living independently of their families, and therefore contribution to their families would not be necessary nor expected from many of them. (Page 70.)

Reasons Given for Working.

Education for children.—Their feeling of responsibility for maintaining certain standards as part of the family life was evident in many cases. (Page 71.)

To provide for extra expenses.—In many families the husband's wages had proved to be inadequate for anything except the daily necessities of life, with the result that the wife's wages must be used to provide for the extra expenses which are inevitable in any household.

Savings.—Many women for whom the problem of daily expenses was met by the other members of the family were working to put a little money aside for old age or a rainy day. (Page 72.)

Sickness in family.—Sickness in the family, resulting sometimes in loss of income because the invalid was a wage earner, and always in doctors' bills, was in many cases the condition which made it urgent that a woman hitherto not a wage earner should become one. (Page 73.)

High cost of living.—Aside from emergencies such as sickness or accident which sent women into industry, the prevailing high prices had increased the cost of living to such an extent that in many families where the income of one wage earner had formerly sufficed, it was no longer adequate. (Pages 73-74.)

Music lessons.—A very small number of the women included in this survey were working to provide what might be called luxuries for themselves or their families. Typical of this group was the story of one girl who was working as a telephone operator and making an average weekly wage of $14.17. She gave $7 a week to her mother, a larger contribution being unnecessary because her father, older sister, and older brother were all working and contributing to the support of the mother and three younger children. Her surplus income, amounting to from $5 to $7 a week, was used for clothes and other expenses and to pay $10 a month for a piano which she was buying on the installment plan, and for two music lessons a week, costing slightly less than 50 cents each.

Buying a home.—But pianos were very seldom the "extras" which were being worked for; more often it was furniture for the home and very frequently it was the home itself. One woman was putting $6 a week from her earnings of $12.90 into paying for the furniture for her house. Another woman chose to work in a packing house because she could make more money there to help to pay for the insurance policies of the various members of her family and to pay for the house which they were buying on installments. (Page 74.)

Amount of Contribution.

The proportion of the total wage contributed seems particularly striking when it is recalled that 61 per cent of these workers were single women, who had not elected to take their part in bringing up a family, but whose responsibilities had been more or less imposed upon them by circumstances over which they had little control. The

woman or man who marries chooses with open eyes a career in which there will probably be responsibilities and dependents. The unmarried woman at home without choice falls heir to the responsibility which the older generation has been carrying and to the responsibility for the older generation itself. This heritage is much greater and more immediate than that of her brother, who theoretically or actually will start out to form another family group, ignoring old family ties and responsibility. (Pages 75-76.)

Age and Amount Contributed.

This table shows that among the young girls, under 16, a very considerable proportion (35.3 per cent) were turning over all their earnings to their families. This is a situation which would naturally be expected among a group of girls who go to work so young, as such girls probably are impelled only by financial necessity to give up school and go to work at such an early age, and under these circumstances would naturally turn over to their families everything they earned. (Page 78.)

Length of Time Contributing.

The most striking figures in this table are those which show the proportion of women who had worked 5 or 10 years or more and who had always contributed all of their earnings. Of the single women, 505 had worked 10 years or over, and during this long working period 180 (35.6 per cent) of them had always contributed all of their earnings to their families. Among the married women 90 (60 per cent) of the 150 who had worked 10 years or more had contributed their entire earnings for the whole time they had worked, and 15 (10 per cent) had contributed all for more than 5 but less than 10 years. Figures for the married women show, naturally, a very much larger proportion of women who had always contributed all of their earnings than was found among single women, for the great urge of financial necessity which drives the married women with children into industry results in a very com-

plete using of her earnings by the family she is working to support. The single woman, however, goes into industry with a smaller responsibility, which is often shared among more wage earners. It is striking to find that even under the circumstances which are supposed to surround and influence single women, such large percentages of them had always contributed all of their earnings. (Page 81.)

Table VII.—Living conditions of the employees scheduled, by industry.

Industry.	Number of women reporting.	Number who were—		Per cent who were—	
		At home.	Adrift.	At home.	Adrift.
Meat and poultry packing	757	665	92	87.8	12.2
Miscellaneous food manufacturing	211	195	16	92.4	7.6
Clothing manufacturing	534	455	79	85.2	14.8
Miscellaneous manufacturing	524	448	76	85.5	14.5
General mercantile	1,101	915	186	83.1	16.9
5-and-10-cent stores	286	267	19	93.4	6.6
Laundries	775	669	106	86.3	13.7
Restaurants	444	288	156	64.9	35.1
Telephones	510	451	59	88.4	11.6
Offices	478	383	95	80.1	19.9
All industries	5,620	4,736	884	84.3	15.7

Table VIII.—Conjugal condition of the employees scheduled, by industry.

Industry.	Number of women reporting.	Number who were—				Per cent who were—			
		Single.	Married.	Widowed.	Divorced.	Single.	Married.	Widowed.	Divorced.
Meat and poultry packing	736	239	303	125	69	31.6	40.1	16.5	11.8
Miscellaneous food manufacturing	211	136	43	18	14	64.5	20.4	8.5	6.6
Clothing manufacturing	534	279	132	80	43	52.2	24.7	15.0	8.0
Miscellaneous manufacturing	524	380	94	46	34	66.8	17.9	8.8	6.5
General mercantile	1,100	700	235	102	63	63.6	21.4	9.3	5.7
5-and-10-cent stores	285	259	18	6	2	90.9	6.3	2.1	.7
Laundries	776	378	238	79	81	48.7	30.7	10.2	10.4
Restaurants	444	242	117	25	60	54.5	26.4	5.6	13.5
Telephones	510	446	37	9	18	87.5	7.3	1.8	3.5
Offices	478	410	45	10	13	85.7	9.4	2.1	2.7
All industries	5,618	3,439	1,262	500	417	61.2	22.5	8.9	7.4

Table IX.—Relationship of the women to their families, by industry.

Industry.	Number of women reporting.	Number and per cent who were—											
		Wives.		Mothers.		Wives and mothers.		Daughters.		Sisters.		Other relatives.	
		Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Meat and poultry packing	663	107	16.1	128	19.3	182	27.5	208	31.4	26	3.9	12	1.8
Miscellaneous food manufacturing	196	16	8.2	16	8.2	24	12.2	119	60.7	12	6.1	9	4.6
Clothing manufacturing	472	50	10.6	69	14.6	79	16.7	241	51.1	26	5.5	7	1.5
Miscellaneous manufacturing	401	40	10.0	25	6.2	42	10.5	249	62.1	37	9.2	8	2.0
General mercantile	956	133	13.9	76	7.9	103	10.8	549	57.4	71	7.4	24	2.5
5-and-10-cent stores	269	13	4.8	3	1.1	3	1.1	232	86.2	11	4.1	7	2.6
Laundries	669	86	12.9	76	11.4	141	21.1	307	45.9	37	5.5	22	3.3
Restaurants	288	60	20.8	29	10.1	49	17.0	129	44.8	17	5.9	4	1.4
Telephones	450	26	5.8	3	.7	8	1.8	362	80.4	31	6.9	20	4.4
Offices	384	35	9.1	5	1.3	6	1.6	300	78.1	23	6.0	15	3.9
All industries	4,748	566	11.9	430	9.1	637	13.4	2,696	56.8	291	6.1	128	2.7

(Page 103.)

Kansas. Industrial Welfare Commission. First Biennial Report. 1915-1917.

Living Conditions of Full Time Workers.

Degree of dependency on earnings.

Living at home	Laundries. Number.	Laundries. Per cent.	Retail Stores. Number.	Retail Stores. Per cent.
Partly supported by family	58	20.8	183	21.7
Self supporting only	43	15.4	271	32.1
Support themselves and assist family	166	59.7	288	34.1
Living away from home				
Receiving assistance from family	0	0.0	11	1.3
Self supporting only	8	2.8	87	10.3
Support themselves and assist family	3	1.0	3	.3
	278	100.0	843	100.0

(Computed.) (Pages 19, 30 and 31.)

Not only the girl's time is given to the employer, but in many instances the father or brothers must also contribute to the welfare of the employer. Inasmuch as he is unwilling to pay a living wage, the father or brothers suffer loss in the exact proportion of his gain. And yet on this same basis, women are having to support families, having to house and feed themselves and families with what one girl alone can not live on. They don't live; they hardly have enough to sustain life. (Page 24.)

A girl's father or brother should not be expected to contribute to the support of the business in which his daughter is employed—and the girl "at home" should not be compelled to lower the wages of the girl "not at home." (Page 35.)

Maryland.

U. S. Department of Labor. Women's Bureau. Bulletin No. 24. Women in Maryland Industries. May, 1922.

Summary.

1. Number of women and girls included in the survey, 14,097.

2. Proportion of negro women, 5.6 per cent.

3. Proportion of girls under 16 years of age, 2.8 per cent.

4. Distribution of women:[1] 68.1 per cent in manufacturing, 24.2 per cent in mercantile, 5.3 per cent in laundries, 2.3 per cent in restaurants.

5. Largest group of women in any one manufacturing industry was in garment factories, 22.5 per cent.

6. Of the 6,527 women whose nativity was ascertained, only 6 per cent were foreign born.

7. Of the 6,571 women reporting their conjugal condition, 67.6 per cent were single, 18 per cent married, and 14.4 per cent widowed, divorced, or separated.

[1]Unless otherwise specified, the term "women" includes girls.

8. Of 6,720 women reporting their living condition, 87.9 per cent were living at home and 12.1 per cent were living independently.

9. Of the 6,519 women reporting their age, 35.7 per cent were under 20 years, 35.8 per cent were 20 and under 30, 14.5 per cent were 30 and under 40, and 14 per cent were 40 years and over. Of 6,492 women reporting their age at beginning work, 71.1 per cent were less than 17 years of age at that time. (Page 11.)

Age.

The fact that over one-fourth of the women (28.5 per cent) were 30 years of age and over does not substantiate the theory that women work for only a few years in industry and then drop out.

Closely allied with the foregoing subject is the age at which the women began to work for wages.

Age at beginning work.	Women reporting. Per cent.	Age at beginning work.	Women reporting. Per cent.
Under 14 years.....	11.8	30 and under 40.....	3.0
14 and under 16.....	34.3	40 and under 50.....	1.4
16 and under 17.....	25.0	50 years and over...	.8
17 and under 20.....	15.5		
20 and under 25.....	5.5	Total	100.0
25 and under 30.....	2.6		

(Page 73.)

Conjugal and Living Condition.

It is interesting to note that of the 36 women who gave reasons for leaving their jobs, the two who left in order to get married and the one to take care of her young children later returned to their industrial work. In general the figures on conjugal condition obtained in the survey help to disprove the theory that girls engage in industrial work only until they marry.

Table XIV (page 96 in the appendix) shows that 67.6 per cent of the women were single, 18 per cent were married, and 14.4 per cent were widowed, divorced or sepa-

rated. Accordingly, of the 6,571 women reporting on conjugal condition, almost one-third (32.4 per cent) were or had been married. Restaurants, with 53.8 per cent of all their women employees married, widowed, divorced or separated; laundries, with 42.8 per cent, and garment factories, with 41.9 per cent, showed the largest proportions of women who were or had been married.

Any discussion of married women wage earners inevitably leads to a consideration of home responsibilities, both financial and domestic. This subject was too extensive to be handled in the type of investigation made in Maryland, but in visits to the homes of some of the women workers various significant bits of information along this line were picked up.

Widows and women with husbands reported that they were the entire or partial mainstay of their families. These wage earners were conspicuous examples of the economic struggle which many women must make to keep their families together and to provide a home and a livelihood. The hand-to-mouth existence of some of the families visited was not surprising, since the mother frequently was compelled to perform all her household duties and take care of small children in addition to her industrial job. (Pages 76-77.)

The women who were making such efforts were not all widows. According to the report in one community where the men were miners, the wives as mill workers had been the chief breadwinners for several months since the closing of the mine. One woman in a garment factory in Baltimore said, "I never worked in a down-town shop before, but hard times drove me to it." As her husband was an invalid she had been the family mainstay for years, earning a livelihood by sewing at home. "I guess I'm one of the people who were born to work and carry burdens," she added, philosophically. Incident upon incident could be piled up of the burdens of married women wage earners.

As many cases could be cited of single women and girls who were forced to carry heavy financial and domes-

tic burdens. The following stories are illustrative of such responsibilities for young girls. One 17-year-old girl was receiving $10 a week for her work in a laundry. She assisted her widowed mother and her brother in supporting a family of nine children. The girl had hoped to go to high school, but had been prevented by her father's death. Another girl of 17 was the sole support of her family. As a cream dipper in a candy factory she normally earned $11 a week, but at the time of the visit, since there was no Saturday work, her weekly wage was reduced to $9.73. The mother was sick in bed; the father was sickly and unable to work. There were two sisters, one married, the other 9 years old, and two brothers, aged 6 and 12 years. In another family a daughter who was just 14 years old and therefore permitted to work only eight hours a day, was receiving $7.50 a week. Her job of packing kept her standing all day. Her father was a tailor and had been laid off for three or four months, although he was working at the time of the visit. The girl and her two older sisters helped in the support of the family. The other five children, ranging in age from 2 to 12 years, were unable to contribute anything to the family income.

At the other end of the age scale was an unmarried woman 69 years old, a laundry worker, who with her weekly wage of $12 supported herself and an older sister, the latter being unable to work.

Some idea of the difficulties which beset a single woman supporting herself and living alone can be obtained from the experience of one worker who volunteered the following information. She was receiving $12 a week, but as she had "got behind" during the previous weeks when she was "out of a job," she was trying to make up her deficit and also to put something by for another rainy day. She lived alone and did light housekeeping in two small rooms devoid of all conveniences, but renting for $1.25 a week. She spent $5 a week for food, altogether averaging $6.87 for her weekly expenses. She did her own laundry and her own sewing. She spent no money for car fare, as she lived near her work and church, and walked to town. For months she had bought no clothes

except shoes. She was compelled to buy these because her work in a glass factory was unusually detrimental to footwear. Another single woman because of slack work and reduction in pay had been forced to give up boarding and resort to light housekeeping in order to make ends meet. By severest economy she was planning to live on $16 a month, spending only $2.56 for food, buying no clothes and only the barest necessities.

According to Table XV (page 96 in the appendix) the proportion of women who were living independently was only 12.1 per cent as compared with 87.9 per cent who were living at home. Sufficient evidence has been obtained to show that frequently women living at home have just as heavy and often heavier financial responsibilities, and consequently as urgent a need for a living wage, as those women living independent of families.

In general, so slender is the average wage earner's pay envelope, so many the demands made upon it—whether she is married or single or whether she is aiding in the support of others or not—that very clever manipulation of the contents is necessary to enable her to meet the vicissitudes inherent in an industrial job; to permit her to keep her feet on the level of present subsistence, to wipe out past arrears, and to store up for possible future misfortunes. When working women make such remarks as, "I'm never out of debt, for no sooner do I finish paying for one dress than it is worn out and I have to get another," or "I've never been able to save any, and though I hate to think about it, the only thing left for my old age is the poorhouse," it is quite evident that no insignificant part of the burden of a wage-earning woman is the worry of getting a living wage, not only for present demands but for future needs. (Pages 77-79.)

Table XIV.—Conjugal Condition, by Industry—(For Entire State).

Industry.	Number of women reporting.	Number of women who were— Single.	Married.	Widowed, separated, or divorced
Manufacturing:				
Clothing, men's..	495	292	147	56
Clothing, women's and children's.	200	112	66	22
Metal products...	767	541	112	114
Textiles	1,192	796	201	195
Miscellaneous[1] ...	1,966	1,383	335	248
General mercantile ..	1,104	822	122	160
5-and-10-cent stores.	144	116	21	7
Laundries	493	282	115	96
Restaurants	210	97	67	46
Total	[2]6,571	4,441	1,186	944

[1]Industries with fewer than 10 establishments.
[2]Of the 6,800 women who supplied personal record cards, 229 did not report conjugal condition.

Table XV.—Living Condition, by Industry—For Entire State).

Industry.	No. of women reporting.	Number of women who were living— At Home.	Independently.
Manufacturing:			
Clothing, men's	506	447	59
Clothing, women's and children's	210	171	39
Metal products	776	702	74
Textiles	1,204	1,063	141
Miscellaneous[1]	1,996	1,816	180
General mercantile	1,166	975	191
5-and-10-cent stores.....	149	144	5
Laundries	502	426	76
Restaurants	211	164	47
Total	[2]6,720	5,908	812

(Page 96.)

[1]Industries with fewer than 10 establishments.
[2]Of the 6,800 who supplied personal record cards, 80 did not report living condition.

Maryland State Board of Labor and Statistics. Twenty-eighth Annual Report. 1919.

Women's Weekly Wages and Percentage with Dependents.

Industries	Number Investigated	Average Wages	Per cent Without dependents	Per cent with dependents 1	2	3	4 or more
Department stores.....	1,228	$14.14	66.0	23	8.	2	1
Overall and pajama factories	722	15.43	53.3	34	8.7	3	1
Umbrella-parasol factories	107	15.	61.7	26	9.3	1.8	0.9

(Compiled.) (Pages 138-9.)

Massachusetts.

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. Bulletin No. 22. Second Report on the Wages of Women Employed in Paper Box Factories. September, 1920.

Living Arrangements.

Approximately nine-tenths of the women reporting their living arrangements live at home, that is, with their immediate family or with relatives (Table 8). The large number of young girls in the industry in part explains this situation. That living at home does not give the workers freedom from financial responsibility is indicated by the statement of 378 women (Table 10 (*a*)), approximately two-thirds of those giving this information, that they are entirely self-supporting, and the further statement from 334 women (Table 10 (*b*)) that they contribute to the support of others. (Page 18.)

Table 8.—Average Weekly Earnings of 649* Women Employed in 15 Paper-Box Factories in Massachusetts: by Home and Marital Conditions; by Dependency and Contribution to Support of Others—(Cumulative).

(Based on returns from workers, 1919.)

	Number of Workers Earning—												Total
	Under $5	Under $6	Under $7	Under $8	Under $9	Under $10	Under $11	Under $12	Under $13	Under $14	Under $15	$15 and Over	
Home Conditions:													
Living at home	23	34	68	123	193	248	318	366	419	460	503	79	582
Living away from home	....	1	1	6	14	16	26	40	47	55	59	8	67
Marital Conditions:													
Single	20	30	52	91	150	188	240	285	328	365	405	54	459
Married	....	2	10	21	35	42	59	74	84	89	92	18	110
Widowed, divorced or separated	....	....	....	4	6	13	20	20	23	28	30	9	39
Self-Support:													
Self-supporting	4	7	11	35	73	112	164	204	244	281	316	62	378
Not self-supporting	18	26	53	81	116	130	152	165	177	182	190	10	200
Support of Others:													
Contributing to support of others	2	7	19	43	79	115	163	193	228	260	287	47	334
Not contributing to support of others	20	24	42	68	107	123	148	170	186	199	213	26	239

*Data not available for all workers on each point.

(Condensed.) (Pages 28-29.)

Massachusetts. Minimum Wage Commission. Bulletin No. 19. Wages of Women Employed in Canning and Preserving Establishments in Massachusetts. March, 1919.

Information as to dependence on earnings was secured from 111 women, 44 of whom were employed in fish-handling plants, and 67 in pickling and preserving establishments. Although they represent only slightly more than one-sixth of those for whom wage records were used, they include a considerable proportion of the regular working force of both types of establishments, inasmuch as all appear on the pay-rolls for ten months or over. Illness or vacation are the only reasons given for the few weeks of unemployment that show on some of the records. None of the women report any supplementary occupation. The majority are full-time, or approximately full-time, workers.

Of these 111 women, 2 failed to specify whether they were self-supporting, and 6 did not state whether they contributed to the support of others. Out of the 109 women who answered the first question, 80, or nearly three-fourths, reported that they were entirely dependent upon their earnings; and 29, that they were not entirely dependent; 63, or three-fifths, of the 105 women who answered the second question were contributing to the support of others. While some of these were young girls who turned their earnings into the family purse, others were married women or widows with small children to support. (Pages 19-20.)

The data regarding age of workers would indicate that the majority are mature or middle-aged women. Of 161 women for whom such information was secured, only 29 are less than twenty-one years of age. More than one-half are thirty years of age or over. The third largest age group is that composed of women from fifty to sixty. (Page 18.)

Massachusetts. Minimum Wage Commission. Bulletin No. 21. Second Report on the Wages of Women in Corset Factories in Massachusetts. November, 1919.

As is generally the case in industries of this type, the great majority of the workers, approximately nine-tenths of those reporting on their living arrangements, live at home; that is, with their immediate family or with relatives. The number of young girls and middle-aged women, the rather large proportion of married women, in part explains this situation. That living at home does not give the workers freedom from financial responsibility is indicated by the statement of 433 women, approximately two-thirds of these giving this information, that they are entirely dependent upon themselves for support, and the further statement from 393 women that they contribute to the support of others. (Page 18.)

Average Weekly Earnings, by—

(a) Dependency; (b) by Contribution to Support of Others

	Under $8	$8 and under $13	$13 and under $15	$15 and over	Total
(a) Self Support—					
Self supporting	49	239	66	79	433
Not self supporting..	79	87	17	12	195
Total	128	326	83	91	628
(b) Support of Others—					
Contributing to support of others.....	70	192	63	68	393
Not contributing to support of others..	55	119	25	18	217
Total	125	311	88	86	610

(Computed) (Page 36)

Minnesota.

Women in Industry in Minnesota in 1918. Field Investigation Carried on by Women in Industry Committee, Council of National Defence and Minnesota Bureau of Women and Children. 1920.

A careful analysis of the data presented in the present report warrants the following conclusions:

2. Out of a total of 51,361 women wage earners, 28,683 or 55.8 per cent contribute out of their earnings towards the support of some one or more persons in their family and this is true particularly of deserted, widowed, married and divorced women, as indicated in the tables. (Page 35.)

Weekly wage	Contributing to support of others	Not contributing to support of others	Total
Under $10	22,011	19,260	41,271
$10-14	4,417	2,009	6,426
15-19	1,432	722	2,154
20-25	475	246	721
25 and over	137	46	183
Not given	211	395	606
Total	28,683	22,678	51,361

(Page 9.)

3. There were 7,206 children of less than working age dependent upon the earnings of the 3,779 mothers employed who were included in this study of the child population of a city of 25,000 people. (Page 35.)

Passaic, New Jersey.

U. S. Department of Labor. Women's Bureau. Bulletin No. 23. The Family Status of Breadwinning Women. April, 1922.

The 1920 census of population shows that 8,549,511 of the Nation's 40,449,346 women 10 years of age and over are breadwinners—meaning thereby that this one-fifth of

all women has a financial rating under our present system of national bookkeeping. (Page 1.)

While only the fancy-fed mind still entertains the fiction that "women work chiefly for pin money," there is nevertheless a ceaseless and judgment-beclouding controversy as to the measure of responsibility for personal and family support which should be used in fixing the wage of women workers. (Page 2.)

The outlines of the picture of Passaic women breadwinners presented by the 26 tables found in the body of this report and derived exclusively from the 1920 census schedules are easily traced. They bring into view nearly[1] 10,000 women—not far from one-half of the adult woman population of Passaic—working for money, four-fifths of them earning it outside of the home. They show that one-half of these women were or had been married; that nearly three-fourths of the married or once-married women breadwinners were mothers; that more than one-half of the mothers were working outside the home and that of the 1,800 mothers working outside of the home, over 900 had children under 5 years of age. (Page 4.)

About one-fifth of all the breadwinning mothers were widowed, divorced, not living with husbands, or living with non-breadwinning husbands. Seven-eighths of the married women breadwinners were living in rented homes. (Pages 4-5.)

Turning to the single women breadwinners, the most cheerful phase of the picture is the large proportion—41 per cent—who were living in normal families where the fathers were breadwinners and the mothers were home custodians.

Fifteen per cent were either sole breadwinners, one of two, or one of three or more bradwinners in families having no male breadwinners living in the family. More

[1] Not being restricted by the Census Bureau's need of maintaining the comparability of classifications from period to period, the Women's Bureau has included in this study all women who earned money regardless of whether the method of earning is the main source of income or not. As a consequence this bulletin discusses the conditions of over 2,000 more women engaged in breadwinning in Passaic than the census classified as "breadwinners." The difference, however, is not one of what the data show, but of ruling as to what constitutes a breadwinning woman. (Page 4.)

than 30 per cent of the single women breadwinners in Passaic were boarding or lodging, living with employers or with relatives, or were domiciled in institutions. In other words, nearly half of the single women breadwinners (women who were without male assistance in their families or women living independent of their families) apparently had sharply defined responsibilities for personal or family support.

Over a third of the single women breadwinners belonged to families owning their homes either free or encumbered. Less than 8 per cent lived in unencumbered homes. (Page 5.)

The insistent question raised by the assembled census data is, "What care was provided for these children?" To answer this question the Women's Bureau took 1,000 addresses of women breadwinners having small children. (Page 6.)

The limitation of funds restricted the inquiries made during the personal survey to the provisions for care of young children and the amount of help breadwinning mothers had in the performance of household duties. Over 500 were found and identified as breadwinning mothers enumerated in the census of 1920.

The facts challenging attention in the results are—

(1) That over one-fifth of the mothers worked at night, caring for the children in the intervals between indispensable rest taken during the day.

(2) That nearly one-fifth left children with neighbors, landladies, or boarders.

(3) That another fifth left children with mother's or father's relatives, about one-fourth of such relatives living outside the home.

(4) That over one-tenth of the mothers going out to work left the children at home to the care of husbands who were night workers, unemployed, or working at home.

(5) That more than one-fifth left children virtually without care in the home. Eighty-two of these mothers, having children of school age, were assured that for part

of the working-day at least the young were safe. The others had children below school age—some under 5—who had no care at all or only that given by children 14 years of age and under.

(6) That but 25 mothers of of 522 left children in the care of paid custodians.

With such inadequate provision for the care of the young children, it is not suprising that scarcely more than one-fifth of these breadwinning mothers had any help in the performance of household duties; that the number having hired help even for washing and ironing regularly or irregularly was negligible; that the help came chiefly from the older children or relatives or lodgers. (Pages 6-7.)

The significant feature of this table is that almost two-thirds of the single breadwinning women were living at home with one or both parents. Not all of these were equally circumstanced, however, since only 63 per cent were living in homes where there were breadwinning fathers with mothers at home. The others showed marked deviations from the normal standard of family life. (Page 16.)

One-third of the entire number of single breadwinners in Passaic might be described as economically "adrift"; that is, they were boarding or lodging, maintaining independent homes, or living with relatives or employers. These may, of course, have been contributing to the support of absent families or may themselves have been recipients of help from home. The census data simply show the group as not under the parental roof or protected by the solidarity of an immediate family group. (Page 17.)

Almost 90 per cent of the 4,013 married breadwinners were women whose husbands were employed. Nine per cent had husbands who were not living in the family, and less than 2 per cent (50 women) had husbands who were living in the family but whose occupations were recorded by the Bureau of the Census as "none." (Page 17.)

Less than 5 per cent of the married women were sole breadwinners. This group consists of 28 women with nonbreadwinning husbands, and 148 whose husbands were not living in the family. The women who were sole breadwinners had for the most part but one child, usually young, and in no case as much as 18 years of age.

Most of the married women, 85 per cent of those reporting, were in the group having two breadwinners, and because, as has been said, the great majority were women with breadwinning husbands, in nearly every instance the second breadwinner was a man. The average number of children in the two-breadwinner group was about two.

Between 10 and 11 per cent of the married women were in families with three breadwinners. In these families the average number of children was more than three, the women with nonbreadwinning husbands having the largest families. (Pages 18-19.)

About two-thirds of the (751) widows—a percentage smaller than that of the married women—maintained homes; 10 per cent lived with relatives and 14 per cent were boarding or lodging.

Almost three-fourths of the widows reporting family responsibilities had no man or boy in their families to share the burden. With the exception of the divorced women, who were but an insignificant number, the largest percentage of sole breadwinners was found among the widows, over one-half of them being the only breadwinners in the family.

One hundred and seventy-two of the widows, or about 30 per cent, were in families with two breadwinners. The children in this group averaged slightly less than two. Less than one-half of these women had men breadwinners in the family group.

The widows who were in families with three or more breadwinners formed the smallest group, approximating 16 per cent of the whole, and 85 per cent had the assistance of a wage-earning man or boy. The children in this group averaged more than 3 to each family. (Pages 20-21.)

There were 4,802 women breadwinners in Passaic who were or had been married. Of these, 4,462 reported concerning children. Nearly three-fourths of these married, widowed, or divorced breadwinners were mothers; only 27 per cent had no children. There is little variation in the proportion having children in the several marital groups. The range is from 81 per cent in the small number of divorced women to 70 per cent among the women workers whose husbands were not breadwinners. Among the married women whose husbands were employed, and who represented by far the largest group of workers, 72.5 per cent had children. (Page 35.)

Although approximately three-fourths of the married or once-married women workers were mothers of children, the prevailing families were not large. The essential feature of the table lies in the fact that over 60 per cent of the women breadwinners had only one or two children. Only about 10 per cent of the mothers had families ranging from five to ten children. (Page 35.)

Though the families of working mothers were not large, the children were young. Approximately 60 per cent of the employed mothers had children under 5 years of age, 20 per cent had children of 5 to 7 years of age who had not yet entered school, . . . (Page 36.)

Another singularly striking feature of [the table] is the revelation that it was not the widowed mothers nor other women with disrupted marital relations who were winning bread apparently at the expense of the care of young children, but the married women living with breadwinning husbands. The revelation makes a strong urge for further information. (Page 36.)

It is of manifest importance to know why so large a group of women with home responsibilities should be at work when the usual family providers are in evidence. Rarely are the wages of fathers sufficient to keep grown unmarried daughters from going into industry as breadwinners, but that the wife and mother should go out to work while the husband and father is a breadwinner challenges attention. Is it because she must or because she

"wants to"? Without information on family income, which it is not possible to secure from census schedules, a definite answer to this question can not be given. (Page 42.)

Almost four-fifths of the women interviewed did the housework in addition to the performance of their other labors, with no assistance except that rendered by the husband or small children. Women who worked in the factories five nights a week had, of course, Saturday in which to work at home. Twenty-one others said they took off from one-half to two days weekly in order to look after household affairs.

Only 14 employed help for housework, either regularly one or two days a week or for an occasional day; 19 sent laundry out to be done. About 70 others stated that a mother, daughter, boarder, or neighbor helped with the laundry and cleaning. All the other breadwinning mothers—that is, 419 of the 522 interviewed—cooked, cleaned, and washed for their families in addition to caring for the children and performing remunerative service outside the home. (Page 43.)

Philadelphia, Pennsylvania.

U. S. Department of Labor. Bulletin of the Woman in Industry Service No. 4. Wages of Candy Makers in Philadelphia in 1919. 1919.

To the worker the important fact about earnings is the standard of living which they make possible. This is to be measured not merely in terms of the buying power of the dollar, but also in relation to the responsibility of the workers for the support of others besides themselves. (Page 23.)

Of the 800 women for whom information as to living conditions was obtained through the personal records, 688 lived at home and 112, or 14 per cent, were boarding. Of the women living at home 60.9 per cent earned less than $12 in the week for which the wage statistics were secured and 39.1 per cent earned $12 or more. The pro-

portions for the women who were boarding were almost identical. Of these, 59.8 per cent received less than $12 and 40.2 per cent received $12 or more. Apparently, therefore, the earnings are not affected by the fact that a girl is living alone away from her family, nor are they affected by the supposed support which family life gives to women workers.

Certain essentials a wage earner must have whether she boards or lives at home. She must have shelter, food, clothing, car fare, and a surplus for health and amusements. If she boards her expenses are more easily estimated, as a fixed sum can be ascertained for the cost of living, including heat and light, and food and shelter. When a worker lives at home she either gives all her wages to her family or pays a part with no knowledge as to whether it covers her actual share of the family budget or not. It is certain that both the girl who boards and the girl who lives at home are subject to the same increases in the cost of living. (Page 24.)

In considering the amount that the girl living at home contributes to the family budget, it is not merely the problem of the one who pays board to her family and assists besides with personal services that must be considered, but the much more common case of the girl who tries to support others besides herself on her earnings. In a Government investigation of the living expenses of 1,760 working girls in New York State in 1918 it was found that 4 out of every 5 helped to support others besides themselves.

Although no statistical study of the cost of living or the home responsibilities of girls was made in this investigation in Philadelphia, it was evident that the girls who were visited at home were responsible in no small degree for the family support. (Page 25.)

Rhode Island.

U. S. Department of Labor. Women's Bureau Bulletin No. 21. Women in Rhode Island Industries. November, 1921.

Conjugal condition.

That it is frequently an economic necessity for married women to engage in work outside the home is a well-established fact in Rhode Island as elsewhere. According to Table XIII, page 70 of the appendix, of the 2,576 women reporting on their conjugal condition, 14.8 per cent were married, 7.9 per cent were widowed, separated, or divorced, and 77.3 per cent were single. The laundries showed the highest percentage (25 per cent) of married women, followed by metal shops, paper-box factories, and general stores. It is interesting to note that the metal shops, formerly considered "men's work," take the lead in the percentage of women who were or had been married. General mercantile establishments and laundries follow, each of the three industries reporting more than 30 per cent of their women in this classification. The highest percentage of unmarried women (89 per cent) was found in the electrical establishments, and the next highest (86.6 per cent) in the 5-and-10-cent stores. This is to be expected, since the greatest percentages of young workers also were found in these industries.

Table XIV, page 70 in the appendix, shows that of the 2,529 women reporting their living condition, 92.2 per cent were living at home and 7.8 per cent were living independently. Many of those at home said that they paid board varying from $5 to $10 a week. Figures obtained from women who boarded away from home showed practically the same range of rates. When visited in their homes women living with their families were found in many cases to have heavy responsibilities, demanding the expenditure of time, money, and energy.

Home responsibilities.

The extensive subject of dependency could be treated only briefly during this survey. Sufficient information was obtained in home visits, however, to establish the fact that many women supported or assisted in the support of others. Widows or deserted wives, or even women with husbands, were found to be the entire or partial mainstay of their families. (Pages 57-58.)

Washington.

Washington. Industrial Welfare Commission. Fourth Biennial Report. 1919-1920.

Since a large proportion of single working woman have dependents, among them being one or both parents, young or invalided brothers or sisters, it would seem wise to consider a family budget for women. Many widows with young children to support face desperate conditions, as does the married woman with disabled husband and one or more children.

With a fine courage these women endeavor to keep the family intact, and properly nourished, but not even the highest intelligence in the world can stretch a weekly wage of $13.20, minus carfare, over a family of even two or three and provide adequate nourishment, to say nothing of clothing, housing and sanitary conditions. (Pages 15-16.)

[Information on the dependents of a working woman] had been gathered from the applications for apprenticeship licenses for the year 1918-1919. Out of a total of 3,256 applicants, there were 263 widows supporting 389 children; 571 reported that they were assisting in the support of parents, brothers, or sisters. (Page 12.)

Report of Laundry and Dye Works Survey.

There were 262 single women, 331 married, and 146 widows. Of the widows, 42 were supporting 1 child; 14,

2 children; 13, 3 children; 6, 4 children, and 1, 5 children; 71 of the single persons were aiding in the support of their parents, brothers and sisters. A widow 66 years of age was supporting two grandchildren. One married woman reported that she was supporting her partly blind husband. One married woman was the entire support of a husband who had been ill for two and one-half years, and one single woman was supporting an aged aunt and uncle. (Page 57.)

Washington. Industrial Welfare Commission. Bulletin No. 2. Survey of Manufacturing Industry. April 10, 1920.

There were 586 single women; 271 married women; 131 widows, and 3 who did not report. Of the 131 widows 45 were supporting 1 child; 19 were supporting 2 children; 9 were supporting 3 children; 1 was supporting 4 children, and 1 was supporting 5 children. Sixty-six of the single women were aiding in the support of their parents; 7 were assisting younger brothers, and 6 assisting sisters. Two married women were the entire support of invalid husbands and the other married women were contributing to the family budget. One grandmother was supporting 2 grandchildren, and 1 widow was supporting a nephew.

Washington. Industrial Welfare Commission. Second Biennial Report. 1915-1916.

Summary showing number of females (in the mercantile industry) entirely and partly self-supporting, including all minors, apprentices and adults.

No. wholly self-supporting..... 1,855
No. partly self-supporting..... 903

(Page 137.)

Nova Scotia.

Province of Nova Scotia. Report of Commission on the Hours of Labour, Wages and Working Conditions of Women Employed in Industrial Occupations. 1920.

One of the most striking facts brought out in evidence was the large number of girls who were living at home and working in factories, paying no board or only about half the usual cost. This is one of the most important factors affecting the wages of women in industry. These girls, who in many cases depend on their parents for a living (in part or in whole), work for wages that provide them with little more than spending money. The result of this is that many employers, especially in the small industries, made use of this labour which keeps down wages. One girl testified that she has worked for many years at a very low wage and did not dare to demand more because her employer could replace her by a girl who lived at home. (Page 15.)

Many girls who must support themselves and a number of widows supporting children are thus forced to accept less wages than are sufficient to properly maintain them. (Page 16.)

(5) The "Forced Sale" of Women's Labor.

The bargaining power of unskilled or semi-skilled women wage-earners is notoriously weak. The individual woman has no alternative but to take the wages offered her.

Outlines of Economics. RICHARD T. ELY, *Ph.D., LL.D., Professor of Political Economy in the University of Wisconsin. Revised and enlarged by the Author and Thomas S. Adams, Ph.D., Max O. Lorenz, Ph.D., Allyn A. Young, Ph.D. New York, Macmillan, 1920.*

Labor is in this particular like the most perishable of commodities: the number of working days in a man's life is limited, and those that are not sold are irrevocably gone. The laborer has, it is true, some power in the way of "holding out for higher wages," but even this power is limited rather narrowly by the absolute necessity of making a livelihood. In the long run small wages are better than none. The sale of labor is often a forced sale. (Pages 431-432.)

The general principles of minimum wage legislation are simple. In many trades the majority of the workers do not receive enough wages to maintain their physical efficiency. Of these sub-standard wage workers a large number are partially supported by other members of the family, a considerable number are assisted by charity, a few eke out their living by intermittent or regular prostitution, and some "actually die of under-nutrition and worry."* The work as a rule is simple and the supply of labor excessive. Usually there is no labor organization. The workers are weak and the wage is fixed by individual bargaining in which the predominant force is sometimes the rapacity of the employer. The tendency towards a uniform or standard wage in many of these trades seem to have been checked by the absence of labor

*H. R. Seager, "The Theory of the Minimum Wage," American Labor Legislation Review, vol. iii, No. 1, p. 84.

organization, and competing establishments in the same industry are found again and again paying strikingly different wages for the same grade of labor. (Page 481.)

An Introduction to the Study of Labor Problems. GORDON S. WATKINS, *Associate Professor of Economics, University of Illinois. New York, Crowell, 1922.*

The foregoing conditions have retarded greatly the industrial progress of women. Low wages and the conditions that produce them have tended to react in a vicious circle. Low wage scales have accentuated physical disabilities and have been both the cause and the effect of comparatively inefficient and inconstant work, inadequate training, and the lack of industrial organization. Moreover, women's wages in certain industries have been depressed to a level unwarranted by economic competition because unscrupulous and unthinking employers, recognizing the fundamental weakness in women's bargaining power, have paid wages not only less than their services were worth but even insufficient to maintain a standard of comfort and decency. But the future contains greater promise. (Page 160.)

First Principles of Political Economy. CHARLES GIDE, *Professor at the College de France. Translated by Ernest F. Row. London, Harrap & Co., Ltd., 1922.*

In fact, it is well known that wages, the price paid for the hire of labour are not settled by bargaining. They are a fixed price, to be taken or left, like the price of articles in a big shop, but with this difference, that the customer in the shop can always abstain from buying if the price is too high, whereas the workman is not always free to abstain from selling even if he considers the price too low. It is only since the rise of trade unionism that it has become possible to make wages a matter of bargain.

That is why wages have fallen, in the course of history, to an incredibly low point, to the minimum below

which the human material, the bodily strength itself, disappears because the workman can no longer feed himself and keep alive. And such was the case even until the War, in industries where the worker was not in a position to bargain, notably in the industries that were carried on by female workers in their own homes.

Happily this state of affairs has been changed, and not only because the action of trade unions and the strike threat have undoubtedly had a powerful effect on the rate of wages. Another cause—and it is pleasant to be able to say so—is that people have come to realize in the great industrial countries, that you cannot get a large output from ill-paid workers, and that the share of the gross produce that is allotted to labour under the name of wages can go on increasing even without any diminution in the share taken by the employer under the name of profit. On the contrary, he gets it back, as we say, in the increased quantity of goods produced. (Pages 131-132.)

2. The Minimum Standard of Living.

The conception of a "living wage" is growing from indefiniteness to a scientific standard that can be defined and measured as to the cost of maintenance of a healthy worker.

Wage boards consider the data on the cost of living in the light of their experience. The minimum arrived at differs with the different groups of employers, employees and representatives of the public, adjusted to the facts and circumstances of each specific industrial situation dealt with by the various wage boards.

(1) The Standard by Which a Living Wage Should be Determined.

House of Representatives, Sixty-fifth Congress, Second Session. Hearings before the Subcommittee of the Committee on the District of Columbia on H. R. 10367. Providing for the Establishment of a Minimum Wage Scale in the District of Columbia for Women and Children. April 16, 1918.

Statement of Rev. Dr. John A. Ryan, of the Catholic University.

As to the other point, that it is really possible to determine what we mean when talking of a decent wage, I mention that because a great many persons are under the impression that when we are discussing decent wages as against low wages we are talking about something that cannot be based on concrete facts; that we are getting into a subject where the cost of living of various persons varies so much that the individual factor is the important one, and they say that if many of the workers would try as hard as some particular ones we know, everyone could do just as well as the particular ones who are now making both ends meet. The fallacy of that statement is that it assumes that the majority of persons

can do what a few exceptional persons can do. We all know girls who can live decently on $7 a week, but they are exceptional and extraordinary persons; they use extraordinary devices to make a wage do what perhaps a wage of $2 more would be necessary to enable the average person to live on. In other words, we cannot judge the average person of the majority by the exceptions. The experience of every group of persons who have gone into this question of the cost of living, the minimum decent cost of living of working girls through this country, in a dozen or more cities, has pointed to the conclusion that, considering the complexity of the situation, it is surprisingly definite, and that experience showed that before 1914 a decent wage for the female worker could not be less than $9 a week; that it was probably somewhere between $9 and $10 a week. I submit that that is a somewhat definite result in the face of the complex situation we have to deal with, to be arrived at by groups in different parts of the country. (Pages 32-33.)

So it is quite possible to determine what we mean by decent living wages; and when this bill becomes a law, as we hope it will, it will be quite possible and, in fact, relatively simple for the commission that has the matter in charge to determine what the cost of decent living for a working girl is in the District of Columbia. The thing has been done so often elsewhere that the task will be comparatively simple here.

Just a word with regard to my own experience in that connection. In 1914 in Minnesota I was a member of one of the advisory boards which had the task of determining the decent minimum wage for females working in mercantile establishments of the Twin Cities, and I was also chairman of a subcommittee that had charge of the particular item of board and lodging. All of the members of the committee who were employers gave us all that "old stuff," to use a bit of parlance of the day, about the impossibility of determining what was the proper cost of living; that there was so much difference in different girls, etc.; but when we got down to the actual investigation and brought in facts as to the number of places in

the two cities where a girl could board and how much she would have to pay in the different classes of boarding houses, and how much she would have to pay in the different classes of restaurants, eating places, they had to admit that, after all, we were dealing with something rather definite, and they had to agree, for example, to the proposition that $4.85 a week was the smallest sum that could be allowed for board and lodging in 1914 in the Twin Cities. In the same way the members of the subcommittee that had to do with clothing, and the other one that had to do with incidental expenses—all the other expenses except clothing and board and lodging—after some investigation and discussion, found that it was possible to state the lowest sum that any decent person would want to admit that a girl should be compelled to live on in the Twin Cities; and so these three subcommittees all agreed as to the three separate estimates. (Page 33.)

A curious thing then happened. When we had a meeting of the general committee to determine what would be the total cost of living allowed for all the various items, we began to submit the report of the subcommittee on board and lodging, which had agreed on $4.85 a week as the sum for that item, and the whole committee accepted that. Immediately the employer members of the board saw that this thing was becoming a simple problem in addition, and that if we took up all the other items and the whole committee adopted them as the subcommittees, including the employer members, had already adopted them, the addition would come to about $9 a week. So they immediately made a motion that without considering further the reports of the subcommittees the wage should be fixed at $7.50 a week. That was voted down, however. I mention this to show that when we get back to the concrete issues and circumstances we can determine what we mean pretty definitely by a living wage. (Pages 33-34.)

American Citizenship and Economic Welfare. JACOB H. HOLLANDER, *Ph. D., Professor of Political Economy in the Johns Hopkins University. Baltimore. The Johns Hopkins Press. 1919.*

Opposed to the doctrine of natural law in wage determination is the principle of social expediency. Briefly stated, this maintains that the wages paid in modern industry should attain the level which will realize the largest social good as constituted of the well-being of wage-earners, enterprisers and consumers, and that this criterion should determine arbitral awards in wage controversies. (Pages 67-68.)

The principle which at this time seems to have most to commend it both from the standpoint of economic practicability and social advantage is the doctrine of a progressive standard of life, with a base line of minimum requirement. This means that a disputed wage scale should be determined by the arbitral body to which it has been referred at that level which will permit the industrial group involved to maintain its accustomed standard of life—assuming this to be at least at or above a necessary minimum—together with some addition for the general social progress attained since the time of last fixture. As to the basic rate, the least skilled class of labor regularly employed in industry should be paid as wages at least enough to make possible, in the long run, decent, self-supporting existence for the average workman and those necessarily dependent upon him. (Pages 70-71.)

The Effort of the Worker to Improve His Own Condition is Indispensable. HORACE B. DRURY, *Investigator for the Committee on Work Periods in Continuous Industry, Federated American Engineering Societies. Annals of the American Academy of Political and Social Science. March, 1922.*

There is no definite minimum wage that men and women must have to live; there is no objective minimum that they ought to have in order to live a full and rich

life. The standard of living is variable. But it is possible in any country at any degree of industrial efficiency to say that such and such a standard is attainable; that industries that do not support it are subnormal and parasitic. And, if care be used in setting up the standard, it should be possible to establish a standard above that which prevails in many lines of work but not out of possibility of attainment by every necessary industry. The correct standard of living upon which the general level of wages should be based is the highest possible minimum that the industry of the country as a whole can afford to pay and still run sufficiently fully and successfully. (Page 71.)

Work, Wealth, and Wages. Rev. Joseph Husslein, *S. J., Ph. D., Lecturer Fordham University School of Social Service. Chicago, Matre, 1921.*

Even the humblest toiler has the right to have his human needs supplied in return for his honest labor. For the majority this is possible only through the living wage. (Page 14.)

The wage of the woman worker must be sufficient at least for her own support, independently of any assistance from others, thus removing from her the dangers, physical and moral, which poverty often brings to her. The wage of the adult male worker should at least suffice for an average family. (Page 15.)

Minimum wage legislation is especially to be applied in regard to the woman wage-earner that she may be assured a sufficient income for decent Christian self-support and reasonable recreation. There must be no need of partial dependence upon others, and provision for her future should be made economically possible for her. (Page 56.)

Pastoral Letter of the Archbishops and Bishops of the United States. February 22, 1920.

The right of labor to a living wage, authoritatively and eloquently reasserted more than a quarter of a cen-

tury ago by Pope Leo XIII, is happily no longer denied by any considerable number of persons. What is principally needed now is that its content should be adequately defined, and that it should be made universal in practice, through whatever means will be at once legitimate and effective. In particular, it is to be kept in mind that a living wage includes not merely decent maintenance for the present, but also a reasonable provision for such future needs as sickness, invalidity and old age. (Page 246.)

Great Britain. Report of a Court of Inquiry Concerning Transport Workers' Wages and Conditions of Employment of Dock Labour. Lord Shaw, *Chairman. Cmd. 55. 1920.*

10. The true and substantial case presented by the dockers was based upon a broad appeal for a better standard of living. What is a better standard of living? By this is not meant a right to have merely a subsistence allowance in the sense of keeping the soul and body of the worker together, but a right to have life ordered upon a higher standard, with full regard to those comforts and decencies which are promotive of better habits, which give a chance for the development of a greater sense of self-respect, and which betoken a higher regard for the place occupied by those workers in the scheme of citizenship. The Court did not discourage this view; on the contrary, it approved of it, and it is fair to the Port Authorities and employers to say that its soundness was not questioned. In the opinion of the Court the time has gone past for assessing the value of human labour at the poverty line. (Pages 6-7.)

Great Britain. Report of the War Cabinet Committee on Women in Industry. Cmd. 135, London, 1919.

Recommendations as to principles which should govern future Employment and Wages of Women.

(18) That in order to secure and maintain physical health and efficiency no normal woman should be employed for less than a reasonable subsistence wage.

(19) That this wage should be sufficient to provide a single woman over 18 years of age in a typical district where the cost of living is low with an adequate dietary, with lodging to include fuel and light in a respectable house not more than half an hour's journey, including tram or train, from the place of work, with clothing sufficient for warmth, cleanliness and decent appearance, with money for fares, insurance and Trade Union subscriptions, and with a reasonable sum for holidays, amusements, etc. (Page 6.)

The Elements of Social Justice. L. T. Hobhouse, *D.Lit., LL.D., Martin White Professor of Sociology in the University of London. London. George Allen & Unwin, Ltd., 1922.*

The third consequence is that the lowest remuneration for work done is that which will maintain the least capable worker, not employed from charity but actually required by the operation of the industrial system, in a condition of full civic efficiency; that is to say, not only in health but in a position to develop and exercise his faculties, to enter upon marriage and parenthood, and meet whatever costs of a normal family are not undertaken by the community. This is the lowest standard required to harmonize the interests of the worker and the community, for without it the producer does not secure the elementary and essential conditions of a good life. (Pages 133-134.)

From the point of view of the producer the governing principle of the harmony is that the lowest remunera-

tion must yield the civic minimum. From the point of view of the community the weakest worker must be able to produce so much that when he is paid the community is not poorer. That is to say, he is the weakest worker who is required, not of charity, by the working of the system. This fixes the minimum standard of the remuneration of work in a justly ordered system, and it is clear that in such a system the weakest worker is earning his pay. (Pages 134-135.)

With regard to secondary needs—comforts—there is then a certain allowable elasticity, but a justly ordered community will keep its minimum at the highest point at which it is permanently possible to secure employment for all who are not palpably defective. (Pages 136-137.)

The fourth consequence is that every increase of effort, whether due to the arduousness of the work or the increased application of the worker, involves an additional human cost and earns justly a proportionate reward. Just remuneration must suffice to cover all vital costs. (Page 139.)

Further, the worker should be able, without being reduced to dependence on any outside authority, to provide against the ordinary contingencies of life, sickness, accident, old age and unavoidable unemployment, and to maintain his children till they are able to work for themselves. For all these purposes he requires the free disposal of adequate material means—that is, he requires an adequate income which is his out-and-out property, by which, moreover, he can build up a home and surround himself with those little personal belongings which constitute property on its most human side. This is the measure of the individual's claim to property, and it coincides precisely with the requirements of economic justice on his behalf as set out in the last chapter, merely emphasizing freedom in the direction of personal life as an element in his due. (Pages 158-159.)

In Small Towns and Villages.

North Dakota. Workmen's Compensation Bureau. Minimum Wage Department. Second Biennial Report. July 1, 1920 to June 30, 1922.

Since there are less factories in the state than other industries employing women, the North Dakota problem is unlike the problem of most other states which have minimum wage legislation. Ours are the problems of the small town and village. Eliminating from our group Fargo, Grand Forks and Minot, we have no city of even moderate size, according to eastern standards, and yet we might say hundreds of these towns are active, progressive, enterprising and modern, and employ a surprisingly large number of girls and women who are entirely dependent upon their own resources for their maintenance; and in this particular they are like their sisters of the large cities. They must live, eat, be clothed and sheltered; they must have leisure for rest, education and enjoyment. And so minimum wage legislation and hour legislation in North Dakota is as vital and necessary as it is, for instance, in Massachusetts or Wisconsin. (Page 3.)

How the Standard Budget is Determined.

Measurement of the Cost of Living and Wages. William F. Ogburn. *The Annals of the American Academy of Political and Social Science. January, 1919.*

The items of a budget should be average items. Thus in a particular community the men in some families will ride on the street car twice a day for every work day in a month. Men in other families will not ride to and from work at all. So an average budget for such a community might put down expenditures of the man for car fare for thirty car rides a month, although no man in any family would ride exactly this number of times a month, no more and no less. It is rather an average of expenditure of those who ride to work and those who do not.

Similarly, the number of suits of clothes bought per year might be expressed in fractions. Items of expenditure are therefore generalized. It follows from the above analysis that items of expenditure should not be set at the lowest possible figure for an individual but for the group as a whole. Thus some men may need only 2,500 calories a day while some will need 6,000 calories, the average for a man at moderately hard work being probably 3,500.

Another conception necessary for a clear understanding of setting wages by constructed budgets is that budget estimates must not be ideal. It cannot be assumed, for instance, that a housewife has the expert training of a domestic science expert. Nor should budgets be constructed without an allowance for tobacco, when we know that it will be impossible practically for a community to live according to such ideal rules of expenditure. On the other hand it seems questionable whether such constructed budgets should conform absolutely to practice. The expenditure in actual practice will be a function of the income received and as the income is what we want to determine, there is danger of getting in a circle. For instance, families of a group of workmen may spend only $18 a year for sickness; whereas they should spend more, as we know from data gathered in sickness surveys that they need to get more medical attention than $18 will buy. Budget estimates, however, should conform fairly closely to practice. (Pages 8-9.)

Formerly budget estimates included chiefly food, rent, fuel and light, and clothing; other items were neglected to a great extent. Food, shelter and warmth were thought of as the minimum of subsistence. We now know that food, shelter and warmth are not the only necessary needs. And so considerable attention is being paid to other items of expenditure in budget making. For instance, if we find a large number of families who do not get enough food and who do not get medical attention when sick, yet frequently attend moving picture shows, the proper conclusion would seem to be that recreation is a necessary need as truly as food, and we know that

in American life recreation costs some money. Hence expenditures for recreation should be written into a minimum-of-subsistence budget. And so it is with sundry items.

To some persons not familiar with budgetary studies, the determination of the level of subsistence seems a matter of opinion rather than of science. But there are many scientific approaches to the problem and various ways of eliminating the personal bias. This method cannot be gone into at length here but some of the devices used for locating the point of subsistence may be set forth briefly.

The food requirement can be found by subjecting to food analysis a number of actual dietaries. The cost of that dietary actually used which furnishes the requisite number of calories, grams of protein and the necessary chemical constituents will be set as the minimum amount of expenditure for food for subsistence. The amount for rent can be estimated by selecting a standard house of, say, four or five rooms with bath and finding the average rental for various localities in the community. Or if a number of budgets have been collected, the minimum rent may be determined at a point where overcrowding ceases to exist, having determined some standard for overcrowding as, for instance, one or one and one-half persons to a room. Perhaps a fair method of determining the fuel and light necessary is to compute for various types of heating apparatus in houses of a certain size the amount of fuel and light used by families that are known to be just above the poverty level but clearly so. The minimum of subsistence in clothing is perhaps most difficult to determine. The usual procedure is to adopt a certain estimate of clothing upon which there has been a fair amount of agreement, such as one overcoat every three years, one hat a year, one cap a year, one suit of clothes a year, and so on. At this time of changing prices it is difficult to express these units in price terms which will show agreement. If a number of family schedules have been collected, it is difficult to express these units in price terms which will show agreement. If a number

of family schedules have been collected, it is possible to locate a point where the expenditure of clothes for the wife is say 75 per cent of the expenditure for the clothing of the husband, or some such point agreed upon. It is known, for instance, that when the clothing allowance is too low, the expenditure for the wife's clothing is only a small percentage of the expenditure for the husband's clothing, and that when the allowance for clothes is bountiful that the expenditure on the wife's clothing equals or exceeds that for the husband. There is no general rule for determining the amount necessary for sundry expenditures. . . . The amount of sickness can be estimated from a study of the average number of days of sickness a year. There are also various ways of getting expert testimony on the amount of insurance necessary. And so one can set a minimum standard throughout the items of the budget. (Pages 9-10.)

Considering the budget as a whole, there are various guide posts that readily tell when the poverty line is passed. Usually, gifts of clothing are indicative of poverty. . . . The point also at which the family ceased to be in debt is significant. . . . Usually all these various tests converge upon a particular income and this is spoken of as the minimum-of-subsistence standard. (Page 10.)

It is very difficult to estimate differences in cost of living between two places without making full budgetary studies. The same articles of food would cost on the average about the same in the two places; but a dietary yielding just as many calories in New Orleans as a different dietary would yield in Philadelphia apparently will cost considerbly less. Similarly so simple a differential to measure as rents may be nevertheless difficult to determine, the type and size of house in New Orleans being quite different from that in Philadelphia. There are climatic differences which affect standards in consumption of fuel. Also common brands of clothing between the two places are very few. (Page 12.)

At the present time there are considerable differences in levels of wages in different parts of the country. Some

observers justify these local or territorial differences by saying that the cost of living is quite different in these areas. Others, on the other hand, reply that the differences in the cost of living in the various areas are different because wages determine the cost of living and that a uniformity in wages would bring a uniformity in living costs. They say that the identical standard of living prices in the various territorial districts would be very nearly the same in cost in all localities. In general [the] findings [of the Railroad Wage Commission and the Shipbuilding Labor Adjustment Commission] have been that the differences in the cost of living in various parts of the country are not so great as are popularly supposed. (Pages 12-13.)

In a period of laissez-faire conditions, supply and demand operate particularly strongly. But with the development of social control and the growth of social justice, the standard of living plays a large part in the determination of wages. For the gains of democracy, whether it be political or economic in the last analysis, certainly come down to one important base, the standard of living. (Page 13.)

(2) The Cost of Living for a Single Woman.

District of Columbia.

Minimum Wage Board for the District of Columbia. Report No. 571, submitted by Mr. Hilliard, from the Committee of the District of Columbia. House of Representatives. 65th Congress. 2nd Session. May, 1918.

The Federal Bureau of Labor Statistics has recently published the results of an investigation into the cost of living in the District. Almost one-half (46 per cent) of the 600 women workers interviewed and questioned as to their income and expenditures earned less than $8 per week. Over two-thirds (64 per cent) earned less than $10 per week. (Page 2.)

This low wage was not owing to their youth and inexperience, for 72 per cent were 21 years of age or older, and one-half of those earning less than $9 per week had been at work for five years and more.

In connection with these figures, we must consider the actual cost of board and lodging in the District to-day. Owing to the abnormal conditions of war times, these costs have risen greatly, even during the past few months. In 1917, the Federal Bureau of Labor Statistics stated that $6 a week was the "bare minimum" upon which the average woman could obtain board and lodging in Washington. A year later, information presented at the hearing on this bill showed that according to the room registration office of the local Council of National Defense the minimum expense at which a woman can now find board and lodging is $35 per month, that is over $8 per week. That means accommodation for two in a room, and very few rooms can be found at that rate.

The difficulties of obtaining adequate clothing even with the strictest economy upon the present wages received was brought out by the investigation of the Bureau of Labor Statistics. In 1915, a State commission in New York estimated the "barest minimum for decent clothing," for a woman, to be $88 per year. Two years later,

nearly half (42 per cent) of the 600 women wage earners interviewed in Washington spent less than that minimum on clothing, in spite of the increased cost of materials. In 1917, according to the Bureau of Labor Statistics a working woman in Washington to be "well but not extravagantly dressed," must spend approximately $125 per year. More than two-thirds (68 per cent) of the women interviewed spent less than that amount. In the lowest income groups, "the average expenditure for every item of clothing is below that which would permit of physical comfort and decency." (Page 3.)

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Review. February, 1918. Cost of Living in the District of Columbia.

Fifth Article—Wage-Earning Women: Their Clothing.

Cost of living studies have ascertained quite definitely the amounts and the costs of the principal articles of food consumed by the average workingman's family. Scientific dietary studies have laid down generally accepted standards of the kind of food and the expenditure necessary to feed a family or an individual so as to maintain health and a reasonable degree of comfort. No corresponding standards in regard to clothing have ever been made. The task of working out standards of the kinds, the qualities, the quantities, and the cost of clothing indispensable for an average workingman's family or for individual workers in different occupations is well-nigh impossible. Very few attempts to set up such minimum clothing standards have ever been made, and these attempts have been confined to estimating the needs of working women. Even when so narrowed in scope, the task of setting up minimum standards of clothing requirements for working women presents very great difficulties because of wide variations in individual taste, in knowledge of materials and styles, in opportunities to buy advantageously, in capacity to make and mend garments,

and in ability to consume clothes with the minimum of wear and tear. (Page 1.)

There is, however, one factor which remains fairly constant in its effect on clothing plans and expenditures. This is the occupational requirement. The standard of dress established for different occupations is scarcely a question of choice with the wage earner, but is determined by the environment in which she must work. The clothing requirements of the factory worker, laundry worker, stenographer, and saleswoman are very different. The majority of occupations open to women in Washington are those of the store and the office. The standards of dress imposed upon clerks, stenographers, and salesgirls are relatively high, and therefore in Washington a larger proportion of wage-earning women than in other cities must make a smart appearance in dress in order to feel themselves decently clothed.

Of all forms of conspicuous waste and competitive display, extravagance in dress is perhaps the most tempting and the hardest to resist. The American people, especially American women, are being almost constantly lectured about their extravagance in dress. It does not seem probable, however, that many of the wage-earning women who furnished detailed schedules of expenditures for clothing to the Bureau of Labor Statistics had been guilty of the sin of extravagance, as 42 out of the 53 spent less than $150 a year on clothes. (Page 2.)

It does seem essential that emphasis be laid on the importance, especially to the working girl, of becoming clothes of good quality, kept scrupulously neat and clean. Expenditures for clothing of the right kind are really an investment on the part of the wage-earning woman. Self-respect and success in life depend in large measure upon proper clothes.

A Special Study of Clothing Expenditures.

As part of the present investigation into the cost of living in the District of Columbia an effort was made to as-

certain, as nearly as possible, the necessary cost of clothing for working women in different occupations. As noted above, most of the women wage earners in Washington are engaged in occupations such as store, office, and Government service, which require standards of dress somewhat higher than those existing in mill towns or industrial sections of manufacturing cities.

Thus, in considering the question of clothing costs, it seemed reasonable to limit attention to women engaged as saleswomen, clerks, stenographers, and in occupations of this character. Also it seemed desirable to limit this special analysis to strictly self-supporting women, living away from home, and between the ages of 19 and 35 years. The great majority of working women fall between these ages, and it is at that period of life that the character of her dress is of vital importance to the average woman whether or not she is at work.

Out of the total of 600 women covered by the investigation there were 53 who fell within the limitations mentioned and for whom information in sufficient detail was obtained to permit of careful analysis.

Eighteen of these 53 women were employed in stores, 17 in Government work, 13 in business offices, and 5 in telephone offices. Most of them were living as boarders in working girls' homes, private families, or boarding houses; but a few were renting rooms separately and doing their own food purchasing and cooking.

The total yearly incomes—including earnings, incomes from other sources, and gifts of new clothing—of these 53 women ranged from $258 to $1,096, and their yearly expenditures for clothing ranged from $22 to $260. The following table shows in detail the clothing expenditures of these women, classified by income groups:

Clothing Expenditures of 53 Women for the Year 1916.

Annual income	Number of women	Number spending on clothing per year—							
		Under $25	$25 and under $50	$50 and under $75	$75 and under $100	$100 and under $125	$125 and under $150	$150 and under $200	$200 and over
$200 and under $300	4	.....	3	1	.....	.....	.....	.....	.....
$300 and under $400	5	.....	1	3	1	.....	.....	.....	.....
$400 and under $500	9	1	.....	1	2	3	2	.....	.....
$500 and under $600	13	.....	.....	2	3	3	3	1	1
$600 and under $700	7	.....	.....	2	2	.....	3	.....	.....
$700 and under $800	7	.....	.....	.....	2	.....	2	2	.....
$800 and under $1,100	8	.....	.....	.....	.....	.....	1	2	5
All groups	53	1	4	9	10	6	12	5	6

It is evident from this table that, even with a fairly homogeneous group of women, there are wide variations in the amount spent for clothing. Thus, of the 13 women listed in the $500 to $600 income group the clothing expenditures varied from $50 to $75 at one extreme to more than $200 at the other extreme.

These variations in expenditures measure more or less accurately the degree in which these women were well or badly clothed. And an analysis of not only what these women spent, but also of what they got for the money, throws light on the question of the expenditure essential to maintaining a condition of dress that may be described as one of physical comfort, social decency, and agreeable outward appearance.

The following comments on this subject, it is to be emphasized, are based primarily upon the experience and opinions of the particular group of women referred to, verified to some extent by a study of store prices. The information was secured through the formal schedule obtained from each woman, supplemented in many cases by later interviews to secure data regarding the length of time clothing of different qualities may reasonably be expected to be worn, and also to secure expressions of opinion as to what they considered necessary in order to feel themselves well dressed. The prices quoted are those which were in force in 1916 and the early part of 1917. (Pages 2-3-4.)

Summary of Clothing Costs.

From the above analysis of clothing needs and expenditures the following summary may be drawn as to the approximate cost of clothing for a working woman who is well, but not extravagantly, dressed. The conclusions are based on the experience and opinions of the group of women referred to above.

As regards external clothing it would appear that the average wage-earning woman who is well dressed usually chooses these items of her wardrobe from the following-priced articles: Suit or coat (alternate years), $25 to $30; shirt waists, $6 to $15; one-piece dress, $15; wool skirt, $5 to $10; summer skirts, $3 to $5; party dress (worn for two years), $25.

If close economy is necessary, a skirt at about $5 may be worn with separate waists in lieu of a $15 one-piece dress; or a dress waist, worn with a suit, may be substituted for an evening dress; or a winter coat may be worn for three seasons, or an evening dress for three or four years. In view of the range of choice, it appears that a woman may reasonably be expected to secure the outside clothing necessary for a good appearance at an expenditure of from $70 to $75.

As regards articles of dress other than outside clothing, the necessary expenditures would be distributed roughly as follows: Hats, $10 to $15; shoes, $12 to $17; gloves, $2.50 to $5; stockings, $3 to $7; corsets, $2 to $5; underwear, $5 to $10; and miscellaneous, approximately $10. Allowing for individual variation in prices and choice, this means an annual expenditure of from $50 to $60 for these articles, which as a rule have to be replaced each year.

Combining these two amounts—outside clothing $70 to $75 and other articles of dress $50 to $60—the total yearly expenditures would range from $120 to $135, averaging approximately, say, $125.

In arriving at this sum, the assumption has been, of course, that the working woman purchases most of her wardrobe and need not devote her evenings and Sundays

to the making of her own clothes. It is to be expected that such a woman will spend considerable time repairing, and to some extent, making over her clothes, but it does not seem reasonable to demand that a woman, with a full day's work to do, should spend her off-time working overtime at what would really be a second "job."

Nor in making the above computations has any allowance been made for discounts allowed by some stores on purchases made by employees. Such a system applies only to store employees and, at best, is not sufficiently general among the stores of Washington to make much difference in the clothing expenditures of working women as a class.

Laundry.

Very closely related with the cost of clothing is the expenditure for laundry. Among the total of 600 wage-earning women covered by the Washington study, various laundry arrangements were found. Many of the women living at home received laundry free, others paid for it in connection with their board and lodging, and not a small number did all or a part of it themselves. Of those who had a definite expenditure for laundry, an average of 50 cents a week was about the minimum. Women whose work demanded a freshly laundered waist every day found a considerably larger expenditure necessary. From previous investigations on this subject it seems to be agreed that no wage-earning woman should be compelled by economic necessity to spend her evenings in laundry work, and if this condition is not to exist, her earnings must be sufficient to leave from $30 to $35 available for her yearly laundry expense.

Comparison of Standard Costs With Amounts Actually Spent.

The amount just derived—$125—as the approximate yearly expenditure necessary for maintaining a working woman in a "well dressed" condition in the city of Washington is somewhat higher than the minimum standards arrived at by other investigations in other cities. Part

of this difference is due to the increased cost of clothing since those investigations, part to the higher clothing standards arbitrarily set by conditions in Washington city, and part to the fact that most of the other investigations have been illiberal in their estimates of the clothing needs of a woman and optimistic in their estimates of clothing costs.

Thus, the New York State Factory Investigating Commission, in 1915, in submitting its conclusions regarding the clothing costs of working women, states that "the matter may be summed up by saying that a girl may respectably clothe herself on between $85 and $90, and that she can maintain a fairly good appearance with about $100." [1] The specimen list of clothing submitted by the commission is as follows:

Union suits, 3 at 50 cents; 3 at 75 cents	$3.75
Corsets, 2 at $1.50	3.00
Corset covers, 6 at 25 cents	1.50
Underskirts	1.50
Stockings	3.00
Wash dresses, 2	7.00
Party dress	15.00
Skirts, 1 at $2.50, 1 at $5	7.50
Shirt waists, 6 at 75 cents	4.50
Shoes, 2 pairs at $3.50, plus $2 for repairs	9.00
Heavy waist	2.00
Hats, 1 at $5, 2 at $2.50	10.00
Coat, winter, one-half of $12	6.00
Coat, spring or rain, one-half of $8	4.00
Gloves	1.50
Rubbers, 2 pairs at 65 cents	1.30
Umbrella	1.00
Night dresses, 2 at 50 cents	1.00
Handkerchiefs	.60
Miscellaneous	4.85
	$88.00

[1] Fourth report of the New York State Factory Investigating Commission, 1915, vol. 4, appendix 7, pp. 1529-1531.

Highly desirable additions:

Suit, one-half of $15	7.50
Slippers, one-half of $1	.50
Gloves, white, for parties	1.00
	$97.00

Aside from the question of the sufficiency of the items listed, a checking up of the prices allowed in this table showed that, in most cases, it was impossible in Washington either in 1916 or 1917 to obtain the articles specified at the prices given.

The New York commission's standard of $88 per year may thus be taken as providing only the barest minimum for "decent" clothing. Thus, it is of striking significance to note that, even with this low minimum as a standard, 42 per cent of the 600 wage-earning women included in the Washington investigation had a yearly expenditure of less than that amount, and in many cases the expenditure was very much less. If the $100 standard, proposed by the New York commission as permitting "a fairly good appearance," and supported by the Wisconsin commission in 1916,[1] is taken as a minimum, then no less than 52 per cent of the 600 wage-earning women in Washington fell below that amount.

Finally, if the sum of $125, arrived at in the present study, is taken as the approximate yearly amount necessary for good dressing, then 68 per cent of the Washington wage-earning women are found to have spent less than that amount in 1916. (Pages 8-9-10-11.)

This table does not seem to bear out the generally current opinion that the wage-earning women of Washington as a class are inclined to gross extravagance in the matter of clothing. Of the total of 600 women 82 per cent spent less than $150 per year for this purpose; 93.5 per cent less than $200; and only 6.5 spent as much as $200. In some cases the larger annual expenditures represented

[1] Wisconsin Industrial Commission. Cost of living of wage-earning women in Wisconsin, 1916.

a year of unusually heavy expense, due to some exceptional combination of circumstances, while in a very few extreme cases the large expenditure was plainly the result of unwise selection of clothes or of inexcusable extravagance. These latter cases occurred principally among women who were assisted by their families. Indeed, with the incomes shown in the preceding table, no flagrant extravagance in dress can very well exist. (Page 12.)

U. S. Department of Labor. Bureau of Labor Statistics. Monthly Review. March, 1918. Cost of Living in the District of Columbia.

Sixth Article—Wage-Earning Women: Food, Housing, and Sundries.

The preceding article of this series discussed the clothing expenditures of wage-earning women in the city of Washington as developed in the present investigation. (Page 1.)

An analysis, along quite similar lines, may be made as regards the expenditures for food and lodging. In the following brief presentation of the results of the present study on this subject, it must be borne in mind that the investigation was made in the spring of 1917. In the months since then, as a result of the great influx of people into the District of Columbia combined with the general rise in prices, there have been very general and very marked advances in the cost of rooms and meals. To just what extent this has affected the housing conditions of the women included in this study is not known. But, in a general way, it is known that, for many of them at least, wages did not increase as rapidly as rents and prices, and, as a result, for practically all wage-earning women in Washington the problem of food and lodging is now an even more serious one than it was 8 or 10 months ago.

Various Methods of Living.

Of the 600 white wage-earning women covered by the present study, 414 were living at home with their immedi-

ate families, all but 51 of these living with parents. The remaining 186 lived away from home, either in private families, in commercial boarding houses, in working girls' homes, or were housekeeping on their own account.

In certain employments the number of women living away from home was proportionately much greater than in others. Thus, of the 12 waitresses scheduled only 2 were living at home, whereas 29 of the 38 telephone girls were so living. Among store employees about one-third were living away from home. The distribution, on this point, of the 600 women scheduled, is shown in the following table, which also classifies these women by marital conditions: (Page 2.)

Table I.—Living Conditions and Occupation.

	Total	At home	Away from home				
			Total	Private families	Housekeeping	Boarding houses	Institutions
Single	542	399	143	72	31	23	17
Married	58	15	43	12	27	2	2
Total	600	414	186	84	58	25	19
United States	63	33	30	15	8	4	3
Office	172	140	32	14	8	7	3
Store	192	133	59	30	11	10	8
Telephone	38	29	9	6	2	....	1
Factory	95	63	32	12	18	1	1
Waitress	12	2	10	2	5	3	....
Laundry	28	14	14	5	6	....	3
Total	600	414	186	84	58	25	19

(Page 2.)

As regards the 414 women living at home little can be said as to the character or cost of their food and lodging. Often such women were assisted by their families and paid only a nominal board. On the other hand, such women were often supporting their families in whole or in part and turning in all their surplus money to the general family fund. In practically all cases of women living at home, therefore, the amount paid to the family was not

determined by commercial reasons and was not a measure of the accommodation received in return.

In the case of women living away from home, board and lodging are usually placed upon a strictly business basis, but not always even then. The strict commercial relationship is most clearly marked in the case of the usual boarding house, where the payments by the boarders must cover all expenses of maintenance. The financial basis is also clearly marked in the case of a woman who is doing housekeeping on her own account, renting a room or rooms and preparing her own meals. In case of board in a private family the personal factor sometimes enters. The family may charge less than the market price because of friendship or relationship or simply for the sake of companionship. In the case of working girls' homes the rates charged are usually below what they would be if the homes were conducted on a commercial basis, and very often the rates are fixed not upon cost but upon the earnings of the girls.

The woman living away from home has the choice of four alternative ways of living. These, as noted, are: With private families, in commercial boarding houses, housekeeping in one or more rooms, and living in homes established for working girls. Certain combinations of these methods are possible but in practice were found not to be frequent.

Each of these ways of living has its merits and demerits. The cheapest accommodation is found in those working girls' homes in which the rates are in proportion to the earnings of the girls. But, aside from the objections that many women have to such homes, the total accommodation of all such establishments in Washington is too small to have much influence upon the situation.

Housekeeping—*i.e.*, renting a room or rooms and getting one's own meals therein—was preferred by many women because such a method of living may be made most to approximate a true home. Married women appeared particularly favorable to this form of living. Of the 43 married women not living at home 27, or nearly two-

thirds, were housekeeping. This is probably explained by the fact that married women in most instances have had a taste of maintaining a home of their own and where possible prefer to keep on with it. A good many of them, also, have some equipment left from former housekeeping experiences as well as some practical experience to guide them on the way. Housekeeping, too, is undertaken by many women for reasons of economy. By cooking on a gas stove, or even a gas jet in one's room, and buying cheaply, the cost of food may be reduced to a minimum. The evil here is, of course, that not only is the food usually badly chosen but this form of living is conductive to an economy that may easily border on starvation.

The Cost of Lodging and Food.

Because of these varying methods of living and the absence of agreed-upon standards of adequacy in housing no precise conclusions can be drawn as to the cost of satisfactory food and lodging in the city of Washington; but by studying separately the actual living conditions of each of the four groups mentioned a fair idea may be obtained of the cost of food and shelter for a working woman in Washington. In doing so, a rough standard of adequacy is necessarily adopted. It is: A furnished room, occupied alone and adequately heated, sufficient palatable food to provide nourishment necessary for the work performed, and the use of sitting room to receive company.

A careful study of the experiences of the various women included in this study leads to the conclusion that $6 per week was the bare minimum upon which the average woman could obtain adequate board and lodging in Washington in the early part of 1917, and that a somewhat larger amount was necessary to insure any considerable degree of comfort. This was arrived at by an analysis of the actual amounts spent and the accommodations received by groups of women living in the four ways above mentioned—(1) private families, (2) boarding houses, (3) housekeeping, and (4) working girls' homes. (Pages 2-3.)

(1) *Private families.*

In considering the cost and character of the living accommodations of women living in private families, it seems best to limit attention to those who were boarding in families with which there was no close relationship, as such relationship often complicated the question of the commercial value of the living secured. Of the women covered by this study, 52 were without this limitation. In Table 2 are listed for each of these 52 women separately, her age, occupation, and income; also the amount paid for room and board, and a brief description of the character of the accommodation received for the money paid. The weekly rate shown was the rate paid at the end of the scheduled year and in some cases exceeded the weekly income. This meant that the individual in question was living, at that particular time, beyond her income.

Examination of this table shows clearly that the five cases where less than $4 per week was paid were abnormal. One woman worked three or four hours a day to help in paying for her board; another had all meals provided at her place of employment; a third shared a room with two other girls; a fourth had one meal furnished at place of employment besides sharing her room with the landlady; and a fifth both shared her room and helped with housework.

For the 18 women paying $4 and under $5 weekly, the living accommodations of only 3 were apparently devoid of defects. In the other cases the women either gave considerable help with the work, shared their rooms with others, had inadequate heat, or else had some meals furnished outside; in many cases a combination of these was operative.

Of the 14 women paying $5 and under $6, only 2 were apparently getting a fair standard of living.

Eleven women were paying $6 and under $8, and of these 6 had comfortable rooms and adequate board.

Thus it would seem safe to conclude that, although in exceptional cases room and board were obtained at a weekly cost of under $6, not until the $6 mark was passed

could a woman under ordinary circumstances obtain fairly adequate living conditions in a private family. (Page 4.)

(2) *Commercial boarding houses.*

Twenty-two of the self-supporting women visited were living in commercial boarding houses. The only ones who were paying under $4 per week were 3 waitresses, each of whom received at least two meals daily at her place of employment. Only 1 of the 5 women paying $4 and under $5, was even fairly comfortably situated, and in this case the neighborhood was undesirable; in the other 4 cases there were very definite drawbacks.

Five women were paying $5 and under $6 per week, and of these only 1 seemed to be getting a fair standard of living. The remaining 9 women were paying between $6 and $8 weekly, and not more than 4, or less than half, had comfortable rooms and adequate food.

In this group the line of demarcation is not distinctly drawn, but clearly satisfactory accommodations in commercial boarding houses could not be obtained, except in occasional instances, for less than $6 per week, and even at a weekly rate of from $6 to $8 comfortable food and lodging could not be assured. (Page 5.)

(3) *Housekeeping.*

In this group are included all of the women visited who cooked at least one of their daily meals in their rooms or apartments. There were 54 self-supporting women coming within this group. Table 4 lists these 54 women according to the total weekly cost of room and meals combined.

The weekly costs among these women varied greatly—from $2.03 to $10.67. The tendency among the lowest-paid women living in this way seems to have been that of cutting down in every possible way on food in order to make the adjustments necessary to bring their expenditures within the range of their income. Thus for the 13 women receiving an income below $300 per year who chose to live in this way the dominant reason was doubtless that

of economy. On the other hand, many of the women in higher income groups prefer this method of living since it brings a greater independence and a place they can call their own.

In analyzing the rates paid it may be noted that there were only 3 with expenses below $3 a week and all 3 of these were provided with at least two meals a day at their place of employment. In the 8 cases of women with expenses of $3 and under $4 per week, 2 were furnished with extra meals, a third had free rent, another had a small room under the roof heated only by an oil stove, a fifth had a small, unheated room, a sixth had an unfurnished room which she heated with a gas stove, while the remaining 2 practically starved themselves in their efforts toward economy. Fourteen housekeeping women paid $4 and under $5 per week. Of these, 2 regularly had meals provided with their employment, 2 were invited out so much as to materially reduce their food expenditure; in 4 cases the rooms were unfurnished and in 4 cases the tenants had to provide their own heat. Of the remaining women who paid between $4 and $5, 2 lived with friends and 2 shared their apartments with relatives, paying a little less than half the total expense.

Of the 6 housekeeping women paying $5 and under $6 per week only 1 was able to provide adequate housing and food and she was sharing a 3-room apartment with her son. Sixteen women were paying $6 and under $8, and of these 13 were apparently comfortably situated, the majority sharing a small apartment with some friend or relative and sharing equally the expense. Thus, it seems quite evident that under normal circumstances at least $6 a week was necessary for a housekeeping woman to maintain the minimum of decent comfort even when the utmost economy was practiced. The weekly expenditure shown for food and room was the expenditure at the end of the scheduled year, and in some cases exceeded the weekly income. This meant that, at that particular time, the individual in question was living beyond her income. (Pages 7-8.)

(4) *Working girls' homes.*

Only 19 of the women scheduled were found to be living in working girls' homes. In the particular homes in which these women were living the rate for board and lodging was usually apportioned according to the wages received. Thus, the accommodation offered was usually considerably cheaper than could be obtained by these women in other places. That this form of living was so little availed of seems to have been due primarily to the fact that the total accommodation of such homes in Washington is very limited, as the homes in existence seemed to have been constantly full to capacity.

To determine this point with accuracy, a special survey of working girls' homes in Washington was made by the bureau in December, 1917, and a visit made to all of them with the exception of one which accommodate only 11 girls. In addition, a visit was made to the home recently established by the Telephone Co. for the accommodation of its operators brought in from other cities. This accommodates some 200 persons, but it is open only to telephone employees.

Excluding the Telephone Co.'s home, eight homes were found. The maximum number of persons they could accommodate was about 400.

Only two of these homes reported a majority of single rooms; the remaining 6 had nearly all double rooms and in several cases even three in a room. In two cases there were dormitories, each accommodating six women. All of the homes were heated by steam or hot water except two, one of which had furnace hot-air heat, while the other had individual heating stoves. In all cases laundry privileges were allowed to some extent, but in only one place did the girls do all their own laundry, and in that instance they were charged a fee of 25 cents a month extra. (Page 9-10.)

Expenditures for Sickness, Amusement, and Other Incidentals.

Food, clothing, and shelter demand the major portion of the income of every person of moderate wages or salary. But they do not exhaust even what may be termed the primary needs of human existence. Medical attention when sick and some amusement when well are certainly primary needs. The income of a working woman, as that of every other person, must be able to meet some expenditure for these purposes, and also should be able to meet the costs of many other items, such as insurance, organization dues, car fare, gifts, etc.

The accompanying table (Table 6) indicates the amount and character of the expenditures made for all purposes other than food, clothing, and lodging, by the wage-earning women covered by this investigation. The data of the table are limited to those women, 137 in number, who were living away from home and who were entirely self-supporting. It is among such women, wholly dependent upon their own resources, that the matter of income apportionment is of particular interest and significance. A few of the more striking points of the table may be briefly commented upon.

Sickness.—Of the 137 women included, 93, or almost 70 per cent, had some expense for sickness during the year, the average for the whole group of 137 being $14. The proportion of women having expenditure for sickness was fairly uniform in the different income groups. The average amount spent tended to increase with increasing income, but not as rapidly as with many other items. Thus, for those with incomes of less than $300 per year, the average expenditure for sickness was $11.74, while among those with incomes of $800 to $1,100 the average was $18.31.

Amusements and vacations.—Expenditures for amusements average $7.44 per year for the total group of 137 women, and expenditures for vacation averaged $13.16. These amounts represent average weekly expendi-

tures of only 14 cents and 25 cents, respectively, per individual. Both of these items tended to increase rapidly with increasing incomes, especially the item of vacation expenses. Of the 17 women with incomes of less than $300 per year, only 4 reported any expenditures for vacation purposes, the average for this group being only $1.56 per year. Among the women with incomes of $800 to $1,100, 12 out of the 13 scheduled reported vacation expenditures, the average being $46.27.

Insurance.—Insurance was carried by almost 75 per cent of the 137 women, the average expenditure of the whole group being $9.65.

Organizations.—Only 11 of the 137 women were members of labor organizations, and all of those were women with annual incomes of at least $500.

School tuition.—Eleven women incurred expenses for school tuition during the year, all of these being women with incomes of at least $500.

Car fare.—Car fare to and from work is unavoidable in the case of women living beyond a certain distance of their places of employment and must be spent at times by many other women. Eighty-three of the 137 women had such expenses, the average for the whole number being $10.85.

Books and newspapers.—Expenditures for this item were very small. Of the 17 women with incomes under $300 per year only 6 reported any expenditures for this purpose, the average of all 17 being but 93 cents per year. Even for the women with incomes of from $800 to $1,100 per year, expenditures for reading matter averaged only $4.71 per year, or less than 10 cents per week. (Pages 10-11-12.)

District of Columbia. Minimum Wage Board. The Cost of Living of Wage-Earning Women in the District of Columbia. Bulletin No. 1. January 29, 1919.

The Board is of the opinion that the essentials of decent living are (*a*) respectable lodgings, (*b*) three meals

a day, (*c*) suitable clothing, (*d*) some provision for recreation, self-improvement and care of health. To determine the cost of these minimum requirements was the aim of the following study.

Board and Room.

In 1916 the United States Bureau of Labor Statistics came to the conclusion, after careful investigation of the actual expenditures of the wage earning women in the District, that $6 was the bare minimum upon which the average woman could obtain adequate board and lodging in Washington, and that a somewhat larger amount was necessary to insure even a reasonable degree of comfort.*

In order to bring this figure up to date, some estimate of the increase in the cost of board and room must be adopted. At the request of the Minimum Wage Board, the Bureau of Labor Statistics secured a number of schedules showing the cost of board and room in December, 1918, as compared with the cost in December, 1916, in certain working girls' homes, private homes, and commercial boarding houses. The following table (No. 1) summarizes the results obtained and shows the percentage of increase in prices.

Table 1.—The Cost of Room and Board [Per Month] in the District of Columbia in December, 1918, as Compared With the Cost in December, 1916.

No. of Schedules	Accommodations	Average price in Dec., 1916	Percentage of increase	Average price in Dec., 1918
	Working Girls' Homes.			
22	Room and three meals	$15.35	82.4	$28.00
5	Room and three meals	23.20	40	32.60
	Private Homes.			
17	Room and three meals	$31.78	19.6	$38.00
5	Room and two meals	32.67	11.7	36.50
	Commercial Boarding Houses.			
33	Room and two meals	$31.49	25.6	$39.55
5	Room and two meals	38.00	13.2	43.00

*Monthly Review, U. S. Bureau of Labor Statistics, Vol. VI, No. 3, Mar., 1918, p. 3.

It will be observed that most of the homes provide room and two meals daily and that the number of schedules showing room and three meals is so small that the figures are not of great value. This is particularly true in the case of the five schedules under private homes. These women were all living with friends and a low rate was accepted because of their friendship or their inability to pay more. They were thus receiving better accommodations than their actual income afforded.

The percentage of increase in rates in the working girls' homes—82.4 per cent—is most striking. Rates of $3, $4 and $5 in 1915-16 have been superseded by rates of $6, $7 and $8. These homes, though run at the lowest possible expense, are in few cases entirely self-supporting. Some receive donations, other have received their equipment—buildings, furniture, etc.—as gifts. Consequently they are able to charge lower rates than commercial boarding houses, but even these low rates are too high for many of the working girls. Their places are being filled by better-paid government employees. In one large house which before the war was largely occupied by saleswomen, bindery women, manicurists, etc., all but two places are now filled by war-workers. The same tendency is shown in other working girls' homes visited.

In the boarding houses and private homes for which schedules were obtained, it was found that even at the rates paid, accommodations were not up to an acceptable standard. Of the 50 girls occupying the rooms investigated in boarding houses, 24, or almost half, were sleeping two in a bed. Only 10 were rooming alone; 24 were living two in a room, 12 three in a room and 4 in one room.

In the private houses the situation was still less desirable. Here 20 of the 29 girls scheduled were sleeping two in a bed. Only 6 were rooming alone; 20 were two in a room, and a group of 3 occupied one room. Some of the rooms were poorly heated, lighted and ventilated. In several instances the girls had to take care of their own rooms, and often no parlor or laundry privileges were allowed.

The government dormitories, not run for profit, and not intended to satisfy other than simple requirements, are charging a minimum of $45 a month for room and two meals. Some sacrifice in comfort and health must surely accompany the necessity of getting three meals and room for a smaller payment. Lunches alone at the rate of 20 cents a day would average $1.40 a week or $6 a month. This item must be added to the cost of board and room in all cases where room and two meals only are provided.

The increase in living expenses has admittedly been abnormal in the city of Washington, but aside from the extreme overcrowding and quite aside from the profiteering in rents, the increase in the cost of food, the most important element entering into room and board charges, has been sufficient to warrant a considerable increase in the charges made for room and board by commercial houses. The United States Bureau of Labor Statistics in the comparison of prices* shows that food in general was 75 per cent higher in October, 1918, than in the same month of 1913.

The National Industrial Conference Board in its report on "Wartime Changes in the Cost of Living," concludes as follows: "No matter what the base or starting point for comparisons, changes in food prices within any given period show on the whole a marked advance the country over. From the evidence available it appears that between the spring of 1914 and the spring of 1917, when the United States entered the war, food prices rose 35 per cent to 50 per cent and have continued to rise since that time. Although it is true that standards of living, transportation, accessibility to supply and other factors cause some local variations, 60 per cent to 65 per cent fairly reflects the advance in food prices from the outbreak of the war in the summer of 1914 to the middle of June, 1918.**

By November, 1918, according to the same authority,

*Monthly Labor Review, Vol. VII, No. 6, December, 1918, p. 91.
**Wartime Changes in the Cost of Living, National Industrial Conference Board, Research Report Number 9, August, 1918, p. 21.

there had been a further increase in prices, making the total advance during the war period 83 per cent.**

From a survey of these data, $9 per week, $39 per month, or $468 per year, seems to be the minimum requirement for board and room for a self-supporting, wage-earning woman in the District of Columbia today.

Clothing.

In determining the amount needed for a working woman's clothing, it is necessary to settle upon a list of articles as a minimum yearly requirement. The experience and opinion of 53 self-supporting women in the District in 1916 form the basis for the list drawn up by the Bureau of Labor Statistics. Allowing for individual variation in prices and choice, the Bureau estimated that in 1916 these essential commodities would cost from $116 to $158.50.***

Table 2. Increase in the cost of Clothing of Working Women in the District of Columbia from December, 1916, to December, 1918.

(From the U. S. Bureau of Labor Statistics' estimate of the yearly requirements and cost of clothing of working women, based on the experience and opinions of 53 self-supporting women in the District in 1916, and on figures furnished by the Bureau concerning the percentage of increase, to December, 1918.)

**Cost of Living Supplement, Industrial News Survey, Dec. 30, 1918,—Jan. 6, 1919.

***Monthly Review, U. S. Bureau of Labor Statistics, Vol. 6, No. 2, Feb., 1918, pp. 8-9.

Articles of Dress	Yearly cost 1916	Per cent increase	Yearly cost 1918
Outside Clothes			
Suits & Coats (1 alternate yrs.).	$25-30	35.94	$34- 40.80
Shirtwaists—6 at $1.00-$1.50	6-9	36.9	8.20- 12.30
Dress Waist	5-8	33.11	6.65- 10.65
One-piece Dress..	15	32.38	19.85
Wool Skirt	5-10	43.38	7.15- 14.35
Summer Skirts—2	3-5	46.83	4.40- 7.35
Party Dress (1 alt. yrs.)	12.50	26	15.75
Other Clothing			
Hats—3	10-15	50	15- 22.50
Shoes—3 pr.	12-17	37.5	16.50- 23.35
Gloves—2-3 pr. ..	2.50-5	60	4- 8
Stockings-5-10 pr.	3-7	66.6	5- 11.70
Corsets—2	2-5	70	3.40- 8.50
Underwear	5-10	100	10- 20
Miscellaneous ...	10	59.4	16
Total	116-158.50		165.90-231.10
Average Total.	$137.25		$198.50

(Page 5.)

The Bureau's investigators in January, 1919, collected data on the present cost of articles of the same grade and computed the percentage of increase since 1916. Table 2 shows the result of this investigation. In order to buy the same articles now, a woman must pay from $165.90 to $231.00, or an average of $198.50. Practically the same result is obtained by adding 59.4%, the average increase in cost of all articles of clothing as determined by the Bureau of Labor Statistics, to the 1916 cost. Taking the 1916 cost, $125, as a base, the 1919 cost would be $199.25.

Increase in cost has not been at all uniform, it will be noticed. All items advanced at least 25%; cotton goods, notably underwear, with an increase of a full

100%, show the greatest advance. The National Industrial Conference Board in its report on "Wartime Changes in the Cost of Living"* admirably summarizes the tendencies in clothing prices.

"It is evident that the price of every article important in the clothing budget of the average family increased greatly between 1914 and 1918. The price of yard goods showed the greatest advance. Cotton fabrics have mounted higher in price than have woolens, and the cheaper grades of all fabrics advanced more than the finer and more expensive grades. Increases in the price of wearing apparel seem to have been greatest for work clothes and for the less expensive grades. Hosiery and underwear advanced in price more than outer garments and furnishings, with the exception of shoes and gloves.

"Considering all of these factors in connection with the price data and trial budgets above presented, it appears that a fair estimate of the increase in the cost of clothing for a wage-earner's family between July, 1914, and June, 1918, would be 70% to 80%. As the increase for lower cost budgets tends to approach 80% rather than 70%, the average increase has been placed at 77%." By November, 1918, according to the same authority, there had been a further advance of 16%, making a total increase of 93% in the cost of clothing since the outbreak of the war.

Sundries.

The estimate for sundry items which the Board presents to the Conference was obtained from the same source as were the other budget items, that is, the figures of the United States Bureau of Labor Statistics in their study of "The Cost of Living in the District of Columbia" in 1916.** The cost of the 1916 items has been brought up to date so far as possible. (Table 3.) This has been a much more difficult task in the case of the

*Wartime Changes in the Cost of Living, National Industrial Conference Board, Research Report No. 9, August, 1918.

**Monthly Review of the U. S. Bureau of Labor Statistics, Vol. 6, No. 3, Mar., 1918, pp. 10-18.

sundry expenditures than in the case of board and room and clothing, as it is impossible to measure accurately the percentage of increase in the cost of many of the items. For instance, it is well known that the cost of laundry has increased. Steam laundry rates for women's clothes have risen 33% since 1916, but few working women can afford to have their laundry done in the large commercial laundries. Most of them send their wash to colored women. Before 1916, 50 cents a week was the average charge for washing, but now most of these colored laundresses charge from 75 cents to $1.25 for the same service. Thus, 58 cents does not represent an adequate allowance for laundry at the present time.

Many of the other items, such as contributions to charity, expenditures for fruit and candy, depend so much on the individual that only an investigation of the present expenditures of numbers of women would yield reliable results. In the case of such items, the 1916 figures have been left unchanged.

Table 3. Comparison of Cost of Living of Working Women in the District of Columbia in December, 1916, and in December, 1918.

Items	Yearly cost 1916	% increase 1916 to 1918	Yearly cost 1918	Weekly cost 1918
Board and Room	$312	50%	$468.	$9
Clothing	125	59.4	199.25	3.83
Sundries				
Laundry	30.00		30.00	.58
Sickness	14.00	30%	18.20	.35
Dentistry	6.55	11	7.25	.14
Oculist	1.99	76	3.50	.07
Amusements	7.44	58(*a*)	9.60	.18
Vacation	13.16		13.16	.25
Fruit and Candy	5.70		5.70	.11
Insurance	9.65		9.65	.19
Charity	1.79		1.79	.03
Religion	4.54		4.54	.09
Labor organization	.30		.30	.005
Other organizations	.49		.49	.01
School tuition	1.70		1.70	.03
Carfare (to and from work)	10.85	20	13.00	.25
Carfare (other)	7.84	20	9.40	.18
Books and magazines	2.81	46(*b*)	3.45	.07
Gifts	14.96		14.96	.29
Other incidentals	14.85		18.45	.35
Total Sundries	152.22	8.5	165.14	3.175
Total	589.22	41.3	832.39	16.005

Figures given for sundries are average expenditures of 137 self-supporting working women interviewed by U. S. Bureau of Labor Statistics in 1916.

(*a*) The 58% increase is in moving picture shows, which is counted as half of all amusement expenditure. (*b*) The 46% increase is in newspapers, counted as one-half the total.

The National Industrial Conference Board in November, 1918, allowed a 55% increase in sundries during the war period. It is evident that the average percentage of increase — 8.5% — allowed by the Board for all these items, is far below the actual increase. The Conference will be able to make a more accurate estimate of the requirements of the women concerned for these commodities and services.

Summary.

On the basis of the foregoing estimates for the various items of expenditure which make up the cost of living —$9 for board and room, $3.83 for clothing, $3.17 for sundries—the total cost of living of a working woman in the District of Columbia is $16 per week. (See Table 3.)

District of Columbia. Minimum Wage Board. Second Annual Report. December 31, 1919.

Proceedings of the Conferences.

In each conference it was obvious from the beginning of discussion that while prices of individual items of food or clothing are facts, the cost of living as a whole is to a considerable extent a matter of opinion.

The question of room and board was the first to be considered in each conference. At the initial meeting of the printing trades conference $9 a week was unanimously agreed upon. After accepting this figure the employers at a later meeting submitted evidence to prove that a large number of the women lived at home and that therefore the $9 figure was unduly high. The representatives of the public declared that this evidence was not germane to the discussion, since the minimum wage

must be high enough to maintain a self-supporting woman in health and comfort. They urged that $9 per week, the least sum for which board and room could be obtained in a commercial boarding house, must be adopted as the minimum allowance.

In the mercantile conference additional information on this subject was secured by calling on Mr. Edwin Hege, manager of the Rooms Registration Division of the United States Housing Corporation. He testified that the lowest-priced single rooms listed with them were offered at $10 per month. Such rooms were small and quite scarce, and furthermore few of the scanty supply were available for women. The lowest monthly rate at which board (15 meals per week) was offered through their office was $20. The average price of a single room and 15 meals per week, Mr. Hege stated, appeared to be about $35 to $40 per month, and the average price of half a room and 15 meals per week appeared to be about $35 per month. He did not believe that there would be a material decrease in the charges made for room and board in the near future.

In order to secure data as to amounts actually paid for rooms and board by women in the industry, the merchants submitted cost of living schedules to their employees. Tabulation of this information showed that of 699 women employed in stores at $16 or less per week the average expenditure for room and board of women living away from home was $7.62; of women living at home was $6.58. The representatives of the employees submitted $10.50 as the least sum for which adequate room and board could be procured. The figure of $9.30, finally accepted by the conference as the minimum allowance for room and board, was thus a composite of various estimates and was not entirely satisfactory to any party.

The allowance to be made for clothing was even more difficult to determine. In each conference an attempt was made to estimate the separate items of wearing

apparel required annually by a working woman before taking up the question of price. How many shirt waists, how many pairs of stockings, etc., does a woman who works in a printing shop or in a store need per year? Of course that depends upon the quality of the articles purchased and that in turn depends upon the price paid for them. In the printing trades conference witnesses were called from the leading stores to give testimony on the cost of clothing. In the mercantile conference both employers and employees were to a large extent experts on the subject. Additional data were presented by agents of the Woman's Bureau of the United States Department of Labor who were called upon to collect prices on a list of articles of clothing. The following table gives a clear picture of the divergence in opinion in the mercantile conference between the employers' and employees' groups and a representative of the public. (Pages 15-16.)

Table II.—A Comparison of the Clothing Budgets Presented by Employees, Employers and a Representative of the Public on the Mercantile Conference.

Article	Employees		Employers		Judge Sellers	
	No. per Year	Cost Per Year	No. per Year	Cost per Year	No. per Year	Cost per Year
Suit	½	$17.50	½	$14.75	½	$17.50
Coat	½	19.75	½	14.75	½	19.75
Waist	6	12.00	6	10.50	6	12.00
Dress Waist	1	5.50	1	5.00	1	5.50
Wool Dress	1	20.00	½	10.00	½	10.00
Wool Skirt	1	10.00	1	7.50	1	10.00
Summer Skirt	2	5.00	2	5.00	2	5.00
Dress-Up Dress	½	14.75	½	11.25	½	14.75
Hat	2	10.00	2	7.50	3	15.00
Dress Hat	1	8.00	1	5.00	.....	.....
Wash Dress	2	16.00	2	12.00	2	16.00
Shoes	4 pr.	31.50	4 pr.	24.50	4 pr.	31.50
Gloves	3 pr.	4.50	3 pr.	4.00	3 pr.	4.50
Hose, Lisle	9 pr.	5.40	..	7.08	.....	5.00
Hose, Silk	2 pr.	4.00	.....	.....	.....	.....
Corsets	2 pr.	5.00	2 pr.	4.00	2 pr.	5.00
Union Suits, Summer	8	5.00	10	6.91	8	5.00
Union Suits, Winter	3	4.50	.....	.....	3	4.50
Corset Covers	9	9.00	5	3.76	6	6.00
Gowns	6	9.00	4	4.00	6	4.00
Underskirts—						
White	2	3.00	2	3.00	2	3.00
Dark	1	3.95	1	2.00	1	3.95
Miscellaneous—						
Handkerchiefs	1 doz	1.80	1 doz	1.80	1 doz.	1.80
Apron	2	2.00	2	2.00	2	2.00
Kimono	½	1.00	½	1.00	½	1.00
Purse	1	3.00	1	2.00	1	3.00
Umbrella	½	1.50	½	1.50	1	1.50
Rubbers	1 pr.	1.25	1 pr.	1.25	1 pr.	1.25
Repairing	.....	2.25	.....	.....	.....	2.25
Suit and Skirt Repairing	.....	2.50	.....	2.50	.....	2.50
Shoes	.....	.....	.....	.....	.....	.....
Neckwear	.....	1.25	.....	1.25	.....	1.25
Other Miscellaneous	.....	2.00	.....	2.00	.....	2.00
Total	.....	$241.90	.....	$178.40	.....	$216.50
					Less—	8.50
						$205.00
Per Week		$ 4.65		$ 3.43		$ 4.00

Neither conference adopted an itemized clothing budget. Only a lump-sum allowance could secure unanimous approval. The figures were $3.35 in the printing and publishing trades conference and $4 in the mercantile conference. The higher allowance in the latter case may be attributed to a number of factors. When the first conference made its report the indications were that cloth-

ing prices had reached the peak and were beginning to fall. This accounts for perhaps 50 cents difference in the two budgets. It was further argued that it took more to clothe a woman employed in the mercantile industry than one employed in the printing and publishing industry. In the latter case aprons and old clothes could be worn at work, while in the stores a vast majority of the women had to make a proper appearance before the public. These factors, together with differences in personnel of the two conferences, account for the difference in the allowances for clothing. (Page 17.)

What items should be included in sundries and what sums should be allowed for them were questions discussed by the conferences. The employers in the printing trades conference wished to rule out amusements and vacations as being nonessential items in the cost of living. The reply of the employees, to which the public agreed, was that some amusement and some vacation were necessary to maintain a woman in health. What amount would procure these necessities was of course more difficult to determine. The sundries budget finally adopted by the printing trades conference was as follows:

	Per week
Laundry	$0.75
Sickness, dentistry, and oculist	.50
Amusements	.20
Vacation	.25
Savings and insurance	.35
Church and charity	.10
Organizations	.10
Self-improvement	.10
Car fare	.60
Other incidentals	.20
Total	$3.15

In the mercantile conference $3.20 was allowed for the sundry items enumerated above, but no itemized budget was adopted.

It must be recognized that the wage adopted by one conference is in no sense an ultimate finding or necessarily a criterion for another conference to go by. Cost of living is such an unstandardized subject that a mathematically accurate determination is impossible. In each conference there are as many different opinions on the subject as there are members. In general the employers wish a wage sufficient to maintain existing standards of living in the industry while the employees contend that the standards of living should be improved. The wage finally agreed upon is not a scientific determination based entirely on facts but rather a compromise of opinion between the two groups, modified as it may be by the opinion of the representatives of the public. (Page 18.)

District of Columbia. Minimum Wage Board. Report of Representatives of the Employees in the Hotel and Restaurant Conference. 1920.

The clothing budget made out by the workers' representatives is based upon the workers' budgets submitted to the Conference on the Mercantile Industry, but it is modified with reference to particular items and also with reference to the increase in the cost of clothing since last June when the budget for the mercantile industry was made up.

Differences of requirements, however, between the women working in the hotels and restaurants and those in the stores may be noted, for example as follows:

More white waists are necessary because persons handling food and table linen and bed linen must maintain the highest possible standard of personal neatness. On the other hand the wool dress listed in the mercantile budget would not serve to alternate with white waists. That item in the present budget has been reduced by half, that is, it is estimated that the dress would last two years instead of one.

Shoes and stockings for waitresses and maids are heavy expenses because of the harder wear due to the

more laborious work the hotel employees have to perform. More frequent changes of underwear are necessary because of the heat of the kitchen and the greater exertion of the workers. Large aprons which are expensive are an important item for hotel and restaurant employees and the cost of laundry for these and for uniforms is greater. Car fare also is a great item in these cases because of the broken shifts which in most cases require two trips a day.

Clothing.

1 Suit every two years	$17.50
1 Coat every two years	19.75
8 Waists $2 apiece	16.00
1 Dress waist	7.00
1 Wool dress every two years	12.50
1 Wool skirt	10.00
2 Summer skirts	5.00
1 Dress-up-dress every two years	15.00
3 Hats summer, winter work hats and 1 dress hat every two years	14.00
2 Wash dresses, $8 apiece	16.00
4 Pairs shoes 2 pr. at $8 and 2 pr. at $4	24.00
3 Pair gloves 1 kid at $2.50 and 2 cotton at $1.05	4.60
12 Pair of stockings at 65 cents	7.80
2 Corsets $2.50 apiece	5.00
4 Summer union suits at $1.25 apiece	5.00
3 Winter union suits $1.75 apiece	5.25
6 Corset covers $.80 apiece	4.80
4 Night gowns $1.50 apiece	6.00
2 White petticoats $1.50 apiece	3.00
1 Dark underskirt	3.60
2 Doz. handkerchiefs $.15 apiece	3.60
8 Aprons $1.50 apiece	12.00
1 Kimono	2.00
1 Purse	1.50
1 Umbrella every two years	1.50

[Concluded on Page 962.]

[Concluded.]

1 Pair rubbers	1.50	
Repairs to clothing (suit, skirt, etc.)	2.50	
Repairing shoes	4.00	
Neckwear, 4 sets, at $.50 apiece	2.00	
Miscellaneous	2.00	
Total per year		$234.40
Total per week		4.51

District of Columbia. Minimum Wage Board. Report of the Conference on the Hotel, Restaurant, Apartment House, Club and Hospital Industries. February 3, 1920.

1. The Conference finds that the minimum wage for women workers in the occupations under inquiry should be $16.50 per week, and that any lesser wage is inadequate to supply the necessary cost of living to women workers in such occupations and to maintain them in health and to protect their morals. The figures upon which this wage is based are: Room $2.00, board $6.30, clothing $4.50, sundries $3.70.

2. The Conference recommends:

(b) That where the employer furnishes room or board or both to his employees he may make a charge for room of not more than $2.00 per week, for board at not more than the rate of $.30 per meal or $6.30 for 21 meals per week.

District of Columbia. Minimum Wage Board. Report of Representatives of the Employees in the Conference of the Laundry, Dyeing and Cleaning Industry. April 16, 1920.

2. That the expenditures of employees at their present rates of pay represent not necessarily a proper standard of living but merely the purchasing limits of their earnings.

3. We call attention to the following points:

(a) The heat in which we work necessitates more changes of clothing, especially more shirtwaists and underclothing, but because we wear light-weight underclothes, winter and summer, our total estimate for underwear is less than the estimate of the saleswomen.

(b) Because our work is laborious and perspiration excessive our expenses for shoes and stockings and corsets are greater than if we were doing a lighter kind of work. The machines we use wear out the soles of shoes and stockings very quickly, and starch and soapsuds wear out the uppers of the shoes.

(c) We wear waist aprons, or sometimes bungalow aprons, which cost us more than the saleswomen's aprons.

(d) Our laundry item corresponds to the hotel workers' laundry item rather than the saleswomen's because of the frequent changes of clothing necessary in our case on account of perspiration.

Budget of Women Laundry Workers.

		Per week
Board and Room		$10.00
Clothing		4.86
Sundries:		
Laundry	$1.50	
Sickness	.50	
Dentist	.15	
Oculist	.10	
Amusements	.34	
Vacation	.40	
Life Insurance and Savings	.35	
Church and Charity	.25	
Organizations	.15	
Self Improvement	.19	
Car Fare	.89	
Other Incidentals	.20	5.02
Total		$19.88

We do not claim that the foregoing figures are accurate to the cent. Allowing, however, for some little variation as between stores and between individuals' experience, we think the cost of living, for an individual woman in Washington at the present time, is over $19 per week.

In support of this conclusion we call attention to the fact that the Joint Congressional Commission on Reclassification of Salaries for the Civil Service, after extensive investigations as to the cost of living in the District of Columbia, fixed $19.60 per week or $1,020 per year as the minimum wage for laundry workers in the government service in Washington.

The Johnson-Nolan Minimum Wage Bill, which has passed the House and is now about to pass the Senate, fixes $3 per day, or $21 per week, as the minimum for all government workers, including laundry workers.

U. S. Department of Labor. Women's Bureau. Budget for Women Employed in the Laundries of the District of Columbia. October, 1920.

	Per week	
Board and room (1 in a room)	$11.25	
Clothing	4.54	
Sundries:		
Laundry	1.25	
Sickness	.50	
Dentist, oculist	.25	
Amusements	.33	
(Street car fare $.16, movie $.17)		
Vacation	.40	($20.80)
Life insurance and savings	.35	($18.20)
Church and charity	.20	($10.40)
Organizations	.15	($ 7.20)
Self improvement	.17	(Newspaper)
Car fare	.90	(12 trips on
Incidentals	.20	tickets)
	$20.49	

	Per week	
Board and room (2 in a room)	$10.25	
Clothing	4.54	
Sundries:		
Laundry	1.25	
Sickness	.50	
Dentist, oculist	.25	($13.00)
Amusements	.33	
(Street car fare $.16, movie $.17		
Vacation	.40	($20.80)
Life insurance and savings	.35	($18.20)
Church and charity	.20	($10.40)
Organizations	.15	($ 7.20)
Self improvement	.17	(Newspaper)
Car fare	.90	(12 trips on
Incidentals	.20	tickets)
	$19.49	

The Women's Bureau in order to present a budget for girls employed as laundry workers, that would not be excessive, but that would provide an income for each worker large enough to insure a decent standard of living, conducted an inquiry into the cost of living in the District of Columbia. (Due to the fact that a large proportion of the laundry employees are colored, and also due to the fact that it is generally believed that the cost of living is lower for colored than for white girls, particular attention was given to the actual prices charged colored girls in the District of Columbia.)

All of the prices in this budget are based on the supposition that the eight hours which a girl works per day should bring in a sum large enough so that she will not have to do all her own sewing and laundry, or cook her own meals, or care for her own room.

Cost of room and board:

To subdivide the item of $11.25 per week for room and board; this item is composed of an allowance of $6.00

per week or $25.00 per month for board (2 meals a day), $1.75 a week or $.25 a day for lunches, and $15.00 a month or $3.50 a week for a room.

This is a sufficient allowance for room rent so that a girl may have a room to herself, as the Women's Bureau feels this is the desirable standard. The second rate for room and board is $10.25 per week. This only allows $10.00 per month for room rent and means that a girl must have a room mate.

Cost of week's board:

In 1918 the Bureau of Labor Statistics declared that $6 per week for two meals a day was the lowest sum for which it was possible to obtain sufficient food.* It is common knowledge that the cost of living has risen steadily in the last two years, and that the decline of wholesale prices in the last two months has not reached the ultimate consumer. The National Industrial Conference Board, an association of Manufacturers, puts the rise at 44.4 per cent,** yet, because personal investigation disclosed a fair number of places where board could be had at this rate, the figure is retained. It should be stated, however, that in a great number of cheap but decent boarding houses the rate is not $25 but $30 per month.

Cost of meals at restaurants:

Board for colored girls in private homes or small boarding houses is, however, very difficult to find. The girls depend largely on small restaurants. The prices of a number of the small, cheap, and in some cases, dirty cafes frequented by them, are such that $6 per week would barely cover two meals a day. The following price list gives an idea of how carefully a girl would have to plan to keep within $.86 a day.

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*Bureau of Labor Statistics, Monthly Bulletin, March, 1918, p. 4.

**U. S. Railway Labor Board, Increase in the Cost of Living and Prices presented by W. Jett Lauck, May, 1920.

Ham and eggs (bread and butter)	$.30
Bacon and eggs (bread and butter)	.30
Ham (bread and butter)	.25
Eggs	.20
Beef or lamb stew	.25
Pork and beans	.30
Hash	.20
Bread and butter	.10
Pudding	.15
Milk	.10

Cost of lunches:

With these prices in mind it can be seen that the allowance of $.25 a day for lunch is not sufficient to provide the girl with a hot lunch. She must be content with a couple of sandwiches. The colored Y. M. C. A. which only pays its own expenses, charges $.12 for a lettuce or cheese sandwich but $.20 for a meat one.

Cost of rooms:

The price of a room was set after about 34 personal visits to rooms in all four sections of the city, the greater number being rooms for colored girls, and talks with various room-finding agencies such as the Y. W. C. A., with former members of the War Camp Community Centers room agency boards, and with representative colored citizens. Although rooms were found as cheap as $7 per month, every such room was unfurnished or not heated, lighted or cared for, or the house had no modern conveniences, and sometimes all of these conditions were combined. For $15 a month colored girls, as well as white girls, can obtain decent single furnished rooms, heated, lighted and cared for. Even at $15 a month a few landladies required that the girls launder their own bed linen and clean their own rooms. At $20 per month several fair-sized double rooms were found in colored homes. The lowest-priced double rooms for white girls were $25 per month.

Future charges for room and board:

The Federation of Citizens Associations of Washington in a newspaper statement published in the Christian Science Monitor of October 4th, says, concerning living costs in Washington: "Rents and food prices show no indication of declining, but on the contrary, seem to be rising."

The clothing allowance of $4.54 per week is based on the following detailed budget:

1 Suit every 2 years at $35 (sale)..	$17.50
1 Coat every 2 years at $35 (sale)..	17.50
1 Dress waist	5.95
3 Shirt waists (2 at $2.00, 1 at $2.50)	6.50
2 Middies at $2.....	4.00
1 Wool dress every 3 years at $20..	6.66
1 Wool skirt every 2 years at $12...	6.00
2 Summer skirts at $3.....	6.00
1 Dress-up dress every 2 years at $20	10.00
3 Hats at $5.....	15.00
3 Wash dresses, work dresses, at $8	24.00
4 Pairs shoes at $9.....	36.00
3 Pair gloves (1 pr. kid at $3.50 every 2 years, 2 pr. cotton at $1.25)	4.25
15 Pr. Stockings (12 pr. at $.59, 3 pr. at $1)	10.08
3 Corsets at $3.....	9.00
6 Envelope chemises at $1.50.....	9.00
6 Undershirts at $.35.....	2.10
3 Night gowns (1 flannel at $2.25, 2 summer at $2.00).....	6.25
4 Petticoats (2 cotton at $2, 2 flannel at $1.50).....	7.00
1 Dark underskirt every 2 years at $3.50	1.75
1 Dozen handkerchiefs at $.12½...	1.50

4 Aprons (2 waist aprons at $1, 2 bungalow aprons at $2.....	6.00
1 Kimono	2.50
1 Purse	1.98
1 Umbrella every 2 years at $3.50..	1.75
1 pair rubbers	1.50
Cleaning and pressing clothing....	2.50
Repairing shoes (at $2.50 half-soles and heels)	5.00
Clothing repairing	5.00
2 Pieces neckwear at $.50.....	1.00
Miscellaneous	3.00
	$236.27 per year
	4.54 per week

Choice of articles of clothing:

The articles listed on the preceding sheet are considered necessary for a woman to be comfortable and to look decent. Since laundry work is exceedingly hot work even under the best possible conditions, the women wear thin dresses at work the year round. An inspection of a number of laundries in the District of Columbia when the type of clothes worn by the workers was observed, forms the basis for the selection of certain articles and the number selected.

Woolen clothes:

For instance, woolen garments are expected to last two years in every case and in one case three years because the girls do not wear them during working hours.

Summer clothes:

To offset this a number of thin dresses, waists, middies and bungalow aprons have been allowed, since these garments are worn at work during the entire year. As it is very doubtful whether any of these thin articles will last over from one year to the next a complete replace-

ment is allowed for. The girls work with perspiration streaming down their faces and bodies, which must rot their clothes. Uniformly the girls wore clean dresses, even though they were old and faded, and the frequent washings necessary to maintain this standard also wear clothes out quickly.

Underwear:

Underwear and corsets need frequent replacements from both these causes. In addition, the girls on any machine which requires constant foot pressure, break corset stays from the continued bending.

Shoes and stockings:

Shoes and stockings are worn out both by constant standing and by the constant pressure of the sole of the shoe against a foot press. (The majority of the girls work at machines where such pressure is necessary. Most of the girls tend one such machine but in each laundry one or two girls tend as high as four.) The shoes and stockings also are rotted by perspiration. On account of all these factors and also because the sum allowed for a pair of stockings ($.59) will only purchase a rather poor grade, the Women's Bureau has not only allowed a large number of pairs of work stockings, but has allowed three pairs of better grade lisle stockings for evening or Sunday wear. The number of pairs of shoes was also based on these facts. In a few of the laundries the girls wore very old, broken shoes, but in others they were neatly shod. It is a question whether any advantage of coolness gained by broken shoes is not more than offset by the harm done in the way of flat foot, spinal and internal dislocation, which can easily be caused by standing all day in badly fitting, run-over, worn-out shoes. There was no reason to believe that the girls who could afford decent shoes preferred broken ones because of comfort. If this were the case the custom would be much more universally followed.

Prices for clothing:

The prices quoted in the following budget were obtained by shopping in five of the cheaper Washington stores at intervals during July, August, late September and October, 1920. This was a period when prices were low due to the nation-wide price cutting in retail stores and also due to the custom of Washington merchants of having extensive annual sales during July and August, and to special October sales this year. In the greater number of cases it was impossible to get the prices from which the articles were reduced. The prices are not the lowest obtainable, particularly in the case of some of the smaller articles but are the lowest prices for which an article that would wear any length of time could be bought. Moreover, these prices were found after a much longer time devoted to shopping than any girl who is employed eight hours a day can possibly give. A third factor that makes clothes higher when actually purchased is that many girls must buy on a credit basis. This is hard for them to get and often means that they must pay considerably more for an article. In one 7th Street store, an article would be held until paid for, making a difference of 25 per cent in the price. (Page 4.)

The various items that enter into the sundry items have been based on current prices in Washington.

Laundry:

The laundry item is put at this sum because it seems to be an absolute minimum charge among washwomen for laundries that include the number of articles that the hot work done by these girls requires them to wear.

Sickness:

The sum allowed for sickness, $.50, is sufficient for sickness insurance which would pay a girl $12.00 a week. Once again this is a bare minimum. If board and room is $11.25 a week, this sum will not cover a doctor's bill and the girl will return to work in debt.

Dentist and oculist:

The allowance of $.25 a week for dentist and oculist can be judged better perhaps by calling it $13.00 a year. This would not do more than buy a girl a pair of glasses. The girl who doesn't need glasses is likely to need dentist's care. This sum will not do both.

Amusements:

Amusements at $.33 allow for one movie a week and car fare to and from the movie theater.

Vacation:

The vacation allowance would provide a girl with $20.00 a year. When it is taken into consideration that the girl loses her wage for every day she takes off, and that living costs go right on, this sum cannot provide the worker with more than a week's vacation, either spent in Washington, or very near the city.

Life insurance and savings:

Thirty-five cents a week for life insurance and savings would provide a $633.00 death policy or a $300.00—20-year life policy.

Church and charity:

The allowance for church and charity permits a girl the customary weekly contribution of $.10 and a sum of $5.00 per year to give to charity.

Organizations:

Organizations are allowed $7.80 a year. This would permit a girl to belong to a union or to a fraternal organization.

Self-improvement:

The self-improvement fund merely allows enough for a daily newspaper.

Car fare:

The car fare covers the trips to and from work.

Incidentals:

A small amount weekly ($.20) is allowed the girl for incidentals. Such things as toilet articles, darning cotton, lingerie tape, shoe laces, shoe polish and a multitude of such small necessities are not provided for elsewhere in the budget. (Page 6.)

Arkansas.

Arkansas Minimum Wage and Maximum Hour Commission. Order No. 2. Mercantile Establishments, City of Fort Smith. August 4, 1920.

Due to unusual economic conditions, the making up of a budget of the cost of living of a self-supporting woman of ordinary ability was exceptionally difficult. The following budget, however, was adopted by the Commission:

Items	Amount per week
Board and room	$8.00
Clothing	3.00
Laundry	.45
Street car fare	.72
Church	.10
Recreation	.30
Insurance	.15
Savings account	.20
Incidentals	.33
	$13.25

Attention is directed to the fact that only the necessities of life are included in the budget. Nothing is allowed for vacation, doctor or dentist, oculist, newspapers and magazines, self-improvement, or benefit associations, all of which are included in budgets estimated by commissions in other States in making wage awards

California.

California. Industrial Welfare Commission. Study of the Cost of Living. November 22, 1922.

From time to time since the adoption of the $16.00 minimum wage, the Commission has had test investigations made to determine any changes in the cost of clothing. At the end of August, 1922, an investigation was made of minimum clothing cost in San Francisco and Oakland. The same stores were visited as those in which studies were made in April, 1921, and April, 1922, and whenever possible the prices obtained were for exactly the same articles. (Page 1.)

The prices are in every case comparable, because the studies in April were made immediately preceding the Easter or spring season; the present study precedes the fall and winter one.

The findings in general were as follows:

1. Coats, suits and dresses are lower in price in September than they were April, 1922, and markedly lower than in April, 1921. Materials are in every case as good, and in the majority of cases better in the September articles than in those shown in April, 1922. As for comparison with April, 1921, the September articles are decidedly superior in every case. There are likewise fuller lines from which selections can be made. Coats, suits and dresses have wearing qualities which will insure service for at least two years. In comparison with garments which could be purchased in March, 1920, before the adoption of the $16.00 wage, those purchasable today are of infinitely better grade, since in 1919 and 1920 woolen materials of standard quality were not obtainable by manufacturers.

2. The prices of all other articles included in the budget have remained practically the same from April, 1922, to September 22, except gloves, which are somewhat re-

duced. There are other slight differences, some up, some downward, which can be explained as market fluctuations at the time of purchase. From April 1921, to September 1922, however, there is a reduction in practically every article. This is true likewise from March, 1920, to September 1922, for which period there is, also, a marked improvement in quality of all articles.

The same general statement can be repeated as was made in the other reports. The standard for selection was that of durability and reasonable attractiveness. The selection was made from regular stock.

An investigation was made in Los Angeles of minimum clothing costs on September 25th, to correspond with that made in San Francisco at the end of August, 1922. It was found that these costs were practically the same as in San Francisco for similar articles of like grade. (Pages 1-2.)

Food—San Francisco—September, October, 1922:

In investigating the cost of food for the minimum wage budget the cafeteria and dairy lunch were taken as the standard. Both the cafeteria and dairy lunch buy food of good quality and it is prepared and served under hygienic conditions. The amount of service is reduced to a minimum and, therefore, the money spent goes further than in the ordinary restaurant.

Minimum Food Standard for Self-Dependent Woman.

In order to determine the necessary amount of food in a minimum-wage budget some standard is necessary. No one person can say what articles of food another person would choose but it is possible to determine the amount of food necessary to keep a person in health. Many experiments have been made by scientists to determine the amount of food necessary for men, women and growing children. In these calculations the unit of measurement is the calorie. There is little standardization of portions

in cafeterias and restaurants—the size of the portion varies in different restaurants and depends largely on the individual who is serving. Any dietary based on food served in cafeterias or restaurants and showing the number of calories must be only approximately correct. Professor Rose of Columbia University in "Feeding the Family" gives the daily energy requirement of the average woman doing active work developing muscular strength as not less than twenty-five hundred to three thousand calories a day. Professor Jaffa of the University of California states that a dietary furnishing 2,500 calories per day is a minimum subsistence for a woman. The following menus have been made out to show how much it costs in the restaurants of San Francisco and Oakland to meet this health requirement. It must be remembered that these meals are only samples, and that substitution of similar dishes is possible without any decreasing of food value or increasing of costs. Three meals per day which will maintain a woman, who is working, in health and strength can be purchased for from 90 cents to $1 a day in cafeterias and dairy lunches in San Francisco and Oakland.

Average Cost of Meals.

Figures on average checks were obtained showing the amounts actually spent in certain restaurants patronized by both men and women. The White Lunch makes an average of all their restaurants by dividing their entire receipts by the total number of their customers. This average is 25 cents a meal or 75 cents a day. The average checks at the Leighton Dairy Lunch on O'Farrell Street are:

Breakfast	24c to 25c	
Lunch	24c to 25c	Average for day
Dinner	26c to 27c	75c to 77c

The Y. W. C. A. cafeteria keeps a very careful average of all their checks. Their patrons are largely women and

so their figures may be taken as an index of what women actually spend for their meals. Their checks for the last two months have averaged:

Breakfast	20c to 21c	
Lunch	29c to 30c	Average for day
Dinner	42c to 43c	91c to 94c

(Page 21.)

Los Angeles, California—October 16 to 19, 1922.

The investigation shows that a woman can purchase in Los Angeles nourishing meals of good quality for $1.00 a day. (Page 29.)

Rooms. San Francisco—September, 1922.

Determination of Residence Districts of Women.

In order to determine the residence districts of employed women in San Francisco, a study was made of the actual residence of about one thousand women employed in the following factories representing the needle trades industry. . . .

The place of residence of each individual worker was indicated on a city map. From this it appeared that while there was some concentration of residence in three well-defined districts—the Hayes Valley section, the North Beach district and the general Mission district, the women were scattered as far as the Richmond district and a number of women lived in Islais Creek district, the Potrero, Daly City and Visitacion Valley. It was, therefore, determined that the investigation of the cost of rooms might properly be city-wide but that special attention should be paid to the districts in which there was any concentration of workers. (Page 42.)

Standard of Rooms.

The Commission's standard is a single room in a respectable neighborhood. The standard provides for a woman rooming alone. The lighting and ventilation of

the room must be adequate from a health point of view. Adequate washing facilities must be provided, i. e., either a basin in the room or unlimited use of a clean bath-room, and there must be bathing facilities. Some means of heating the room must be provided. The room must be clean and its furniture in good repair. The furniture should include at least a comfortable bed, sufficient clean bedding, one or more chairs, a bureau or some receptacle for holding clothing, a closet, wardrobe or curtained space for hanging clothing. (Page 43.) Ninety-two rooms were actually visited by agents of the Commission. Of these, thirteen were found not to conform to the Commission's standard. Of the seventy-nine rooms conforming to the Commission's standard, 95.0 per cent rented for less than $20 a month; 93.7 per cent rented for less than $19 a month; 86.1 per cent rented for less than $18 a month; 82.3 per cent for less than $17½ a month; 79.8 per cent for less than $17 a month; 72.2 per cent for less than $16 a month; 70.9 per cent for less than $15½ a month; 46.9 per cent for less than $15 a month; 40.6 per cent for less than $14 a month; 39.3 per cent for less than $13½ a month; 34.2 per cent for less than $13 a month; 31.7 per cent for less than $12½ a month; 16.5 per cent for less than $12 a month; 12.7 per cent for less than $11 a month; 1.3 per cent for less than $10 a month. (Pages 43-44.)

Practically no rooms were obtainable in the North Beach district in which a large number of women live. The personnel director of the Bemis Bag Company which is situated in this district, made the statement that practically all of the workers in that section live in family units. This statement was further substantiated by the workers of the Telegraph Hill settlement. Miss Johnston of the Settlement, who has been a resident for many years, states that it is very unusual for a woman to live alone in a rented room. Miss Costa of the Settlement, a visiting nurse, made the same statement. Miss Avery, who is in charge of the Girls' Clubs at the Settlement, stated that practically the entire club membership was made up of girls living with their families. A can-

vass of the district showed no rooms to rent signs. The Italian paper had no advertisements for rented rooms. (Page 45.)

No Standard of Price.

An outstanding fact in this investigation is that there is apparently no standard as to price of rooms. The regular rooming houses intended primarily for transient guests may have standard prices, but these were not investigated, as for the most part they were not in desirable districts for women. The price of a room is by no means indicative of its quality. Several rooms renting for $20 a month were rejected because they were dirty and in bad condition, while a number of the $12 rooms were as attractive as rooms for which $15 or $16 was asked elsewhere. Some rates were obviously influenced by the district, as in the case of rooms north of Sacramento and west of Van Ness. These rooms were not more desirable than rooms which rented for $2 or $4 less in other districts, nor were they as desirable from the point of view of an employed woman as the less expensive rooms because they were not particularly accessible to places of employment.

Evidence on Number of Women Occupying Single Room.

An effort was made to determine the amounts actually paid for room rent by self-supporting women living in single rooms and earning $16 a week. The study included 963 women employed in four factories in San Francisco and two laundries in Los Angeles. The investigation showed that 294 women or 39.5 per cent of the total number earned $16 a week. Of these 294 women only 12 women or 4 per cent were living alone in single rented rooms. (Pages 45-46.)

A total number of 126 rooms were inspected, 113 of which met the required standard. Of these there were 94.6 per cent renting under $22.50 a month; 68.1 per cent under $20 a month; 61.9 per cent under $18 a month; 55.7 per cent under $17 a month; 34.5 per cent under $16 a month; and 31.8 per cent under $15 a month.

General Rent Situation in Los Angeles.

There is seemingly no shortage of vacant rooms in any part of the city. With the exception of the Wiltshire-Hollywood district, where rent is uniformly high, there is no standard price room rent. In each district and even on the same street rooms rented for varied prices. (Page 51.)

California. Industrial Welfare Commission. What California Has Done to Protect its Women Workers. April, 1921.

A study of the cost of living was begun by the Commission in July, 1918. It included the results of the investigations of increases in the cost of living made by the United States Bureau of Labor Statistics, the studies of the cost of living on the Pacific Coast made by the University of Washington, by the National Industrial Conference Board and by the University of California, as well as studies made by agents of the Commission.

A public hearing was held in San Francisco on December 6, 1918. From the evidence thus obtained, Executive Commissioner Edson recommended a budget of $13.57 as the minimum cost of living of a self-dependent woman. This study was accepted and the Commission, within a period of two months, issued wage orders in the mercantile industry, fruit and vegetable canning industry, fish canning industry, laundry and dry cleaning industry, fruit and vegetable packing industry, in general and professional offices, all unclassified occupations and in the manufacturing and hotel and restaurant industries, on the basis of a $13.50 weekly minimum wage.

Realizing that there had been a considerable increase in the cost of living since the establishment of the $13.50 minimum wage, the Commission, on April 6, 1920, directed that an investigation be made of the cost of living of a self-dependent woman. Information on living costs was obtained from budgets submitted by women

workers in a number of industries and from a general investigation carried on by agents of the Commission. Conferences were held by the Commission with employers and workers in all industries, and a public hearing was held in San Francisco on March 24, 1920.

On the basis of the information thus obtained, Executive Commissioner Edson prepared a minimum budget of $16.11 a week. The Commission submitted this tentative budget to the following groups: The Hotel and Apartment House Association, which said that the room rent was an absolute minimum; the Retail Dry Goods Association, which approved the clothing budget; and hotel and cafeteria managers who approved the amount allowed for the food budget as being the best possible estimate, based on the cost of food in cafeterias and moderate-priced restaurants. The budget has never been challenged by any group of employers or workers. (Page 8.)

Kansas.

Kansas. Court of Industrial Relations. Women's Division. Cost of Living Survey of Wage Earning Women. August 31, 1921.

A wage and hour study was made in the summer of 1920 by the Women's Bureau of the United States Department of Labor. The wages shown in that survey were representative of conditions in Kansas at its best. There is no reason to believe that wages have been increased in Kansas or elsewhere since the wage survey of 1920. Therefore the cost-of-living study [June and July, 1921] is doubly significant at this time. (Page 7.)

Rooms.

Sleeping Rooms:

Since room rent is a basic item in the cost of living, the first step in estimating the amount required for a living wage is to determine the price of a standard room.

In this investigation the term "standard room" has been taken to mean a room having good light, ventilation, adequate heat, and a closet or a good substitute for a closet, in a house of good character, sanitary and cleanly, having proper toilet facilities, including available hot water, and granting parlor and laundry privileges.

In the larger cities, house after house renting a large number of rooms was found. There were usually old, run-down family residences made into regular rooming houses. The rooms were small, inadequately or poorly furnished, poorly heated and ventilated, with no closets, and with inadequate toilet and bath facilities. In this type of a house few landladies provided parlor and laundry privileges. There wasn't room enough for all of the roomers to launder, and there was nothing like a living room in the house—everything was rented, to the front doorstep. Landladies assumed that girls would entertain men callers in their rooms. In a few places girls were found cooking and sleeping in the same room.

A summary of tables I, II and III shows there is little variation in rents in the three groups of cities studied, namely, cities having more than 10,000 population, cities having between 5,000 and 10,000 population, and cities having less than 5,000.

Of the 926 sleeping rooms inspected, 528 of which were in the first group, 157 in the second, and 241 in the third group, the average rate of $3.40 a week is representative of the three groups. A difference of 48 cents a week exists between the average rates in the first and second groups, while only 2 cents a week represents the difference in average rentals in cities in the second and third groups, the second group averaging $3.23 and the third group $3.25.

The average rental of $3.40 will provile a clean, modern, comfortably furnished, well-heated, light and well-ventilated room. This rate, however, does not cover the rent for two in a room. An increase from 33⅓ to 66⅔ per cent of the total rent has been asked by renters for rooms shared by two women. A 33⅓ per cent increase

would be a minimum estimated average for such rooms. The average range in rates from $2.08 to $5.24 a week covers the poorer as well as the better class of rooms. A good sleeping room at $2.50 was found to be an exception. (Page 10.)

The majority of rooms coming under the term "standard" ranged in rent from $3 to $3.50 a week. Such rooms cannot be found under the average rent, except in occasional instances, usually where a landlady is alone and wishes the company of a girl.

Light-Housekeeping Rooms:

Conditions in light-housekeeping rooms are not truthfully illustrated by the tables, as the average rental does not provide livable quarters. Even the maximum "range in rates" as shown by the grand total would provide only a fair room, or possibly two rooms, for light-housekeeping. This is explained by the fact that light-housekeeping rooms are not usually found in modern residences, but are found rather in dilapidated houses where it has been necessary to "accommodate tenants," or else tenants would accommodate themselves, cooking over alcohol lamps or eating cold lunches to avoid the waste of eating at restaurants. Such tenants, a poorer class of people, have consequently been provided with an oil stove or a small range and are satisfied to inconvenience themselves in order to save. For example, it is not unusual for them to carry water up a long, steep flight of stairs for cooking, drinking and washing. (Page 11.)

Five-dollar rooms generally were reported as "not desirable." Fuel for heating as well as cooking was almost without exception charged up to tenants in the cheaper rooms. In the higher-priced rooms heat was generally furnished, although light, and gas or oil for cooking were furnished by the tenant. Light housekeeping does not materially reduce living expenses unless more than two girls club together. In one light-housekeeping suite two girls lived for $8.75 a week each. This

was in a moderately priced, plainly furnished suite over a store building in the downtown district. The girls saved car fare, but contributed not less than two hours a day each to the upkeep of their rooms.

Summary of the Cost of Rooms.

It will be noticed that our suggested budgets covering room rent are higher in the majority of cases than the allowance granted by conference groups. We have based our allowance upon actual investigation of conditions, and our suggested budgets for room rent are average rates for "standard" rooms in the communities visited. It is possible, for the amounts suggested, to obtain a limited number of desirable rooms. The low rates estimated by conference groups were undoubtedly based upon the supposition that two girls would share one room. We have not made allowance for two in a room, as we believe a standard budget for the individual worker should not include "doubling up" on a room, any more than it should include a like performance for clothing. One suit or coat shared by two would be quite as fair for the individual worker, and probably would inconvenience her less than sharing a small room with an uncongenial roommate. It is possible for two girls to share a room, but it is not safe to assume that all girls can find a good roommate; therefore in this study an amount has been allowed that will provide a room for each worker. (Page 12.)

Board and Room.

Many inquiries about board disclosed the fact that board and room were seldom found at the same house; that the boarding house is practically an institution of the past, and that to-day the working girl must depend upon cafés and cafeterias for board unless she does light housekeeping. (Page 14.)

Café and cafeteria rates varied somewhat. The minimum rates were not always taken from the same restaurants, but represent the cheapest prices in town for various articles on the menu.

What is absolutely necessary to maintain bodily vigor is a question for dietists to decide. It is commonly assumed, however, that fruit, a cereal, or an egg, toast and coffee make up a simple breakfast menu, and it is on this assumption that the survey has outlined the following sample menus:

BREAKFAST.

Fruit (or cereal). Drink.
Toast.

LUNCHEON.

Sandwich. Drink.
Vegetable (or fruit).

DINNER.

Meat. Potato.
Bread and butter.
Vegetable. Drink.
Dessert.

The dinner menu was usually obtained by ordering what is called a "plate dinner."

The increase in rates for restaurant board in small towns is probably accounted for by the lack of competition for trade in those towns. Better board at a lower rate in larger cities was generally found. (Page 16.)

Summary of the Cost of Board.

In the tables the average rate of $6.346 is a minimum expenditure for board for the state as a whole. The majority of conferences were fairly generous in their estimates on this item, several groups granting a higher rate than we suggested for their communities. Other groups, however, estimated way below the minimum cost of board in their communities. The survey as a whole showed that the average minimum rate for board at cafés and cafeterias was a trifle lower than the average minimum boarding-house rate, although the maximum average rate at cafés ran a little higher than the average maximum boarding-house rate. (Page 17.)

Clothing.

Clothing, the third important item to be considered, must be sufficient to protect the body, to provide changes enough to make a reasonable standard of personal cleanliness possible, and suitable enough in appearance and material to serve on every occasion.

In estimating the cost of clothing it must be remembered that a person depending upon a weekly income is at a disadvantage as compared with one who has a bank account or a financial standing permitting credit. It is one thing to be able to buy so as to get the benefit of special prices for articles of a better grade, and quite another thing to be forced by a small weekly balance to buy cheap garments whenever necessity demands, or to buy on the installment plan, paying excessively in the end. The average woman cannot depend on discounts on her clothing such as received by girls working in some mercantile establishments, nor can she do her own sewign, or keep her wardrobe in the condition possible for a woman with plenty of time and convenience.

The direct investigation of the costs of clothing was based upon the budget shown in the introduction to this report, which, it is believed, contains the minimum amount of clothing needed by a girl for one year. This budget was submitted to merchants, who gave either a direct estimate of clothing costs based upon regular prices of clothing in their own stores, or permitted the investigator to obtain the prices by visiting the various departments. In either case the quality of the goods was guaranteed and the assurance received that the articles would give one or two years' service, according to requirements, if given reasonably good care by the wearer. In this way information was obtained from more than 125 mercantile stores covering moderately priced, serviceable clothing. (Page 21.)

Clothing Budget for Wage-earning Women.

1. Dresses (1 cotton, 1 worsted)
2. Suits (1 every 2 years)
3. Aprons
4. Coats (1 every 2 years)
5. Petticoats (2 cotton, 2 sateen)
6. Underwear (4 cotton union suits)
7. Nightgowns (2 summer, 2 winter)
8. Corsets (2)
9. Corset waists (4)
10. Shoes (4 pairs)
11. Rubbers (1 pair)
12. Stockings (6 pairs)
13. Handkerchiefs (1 doz.)
14. Gloves (1 kid, 1 cotton or silk)
15. Hats (2)
16. Neckwear
17. Blouses (2)
18. One kimono
19. Cleaning and pressing
20. Clothing repairing
21. Repairing shoes
22. One purse
23. One umbrella (every 2 years)

(Pages 8-9.)

The item "clothing repairing" was approved by only seven groups out of a total of fifteen conferences; therefore this item has been eliminated from the final averages on clothing costs. The item "rubbers" was approved and disapproved, but one pair a year was generally allowed. Shoes and the number of pairs of hose both came up for discussion. Occasionally a group would reduce the number of pairs of shoes from four to three and then give a generous allowance for shoe repairing, or if four pairs of shoes were decided upon the shoe-repairing item was cut. Employers were inclined to be generous in their clothing estimates until they found that the total was climbing too high. In one conference, after the merchants had unanimously agreed upon "one suit a year," and had decided that a girl should have at least one pair of two-dollar silk hose, the final decision was given as "no silk" and "one suit every two years."

Club women were inclined to be more generous in their estimates, and generally so in the item of "shoes," as high as a 50 per cent increase over the estimates of the men being noted. Where one suit a year was allowed by a group it was generally conceded that at least an addi-

tional worsted skirt be allowed. The number of wash dresses was increased from two to four by several groups, and so were the items listed under "underwear." (Pages 21-22.)

Under "outside clothing," the item "suit, one every year," was decided upon after considerable discussion and investigation. The hard wear given a suit by a girl who has only two wash dresses and a woolen dress with which to "change off" is too great to permit its being worn a second year. The addition of a wool skirt to the budget might eliminate the extra suit, but as prices on separate skirts are nearly as high as prices on entire suits, it was thought the slight difference in cost was warranted, as the suit jacket would afford protection in cool weather and would enable a girl to be neatly dressed at all times. A suit serving two seasons would become very shabby unless additional outside clothing was provided. A winter coat every two years, however, is sufficient, as it is worn only during the cold weather, less than half a year.

Shoes are another item in the budget requiring special attention. A great deal of foot trouble has been found among the girls who are constantly on their feet. In many cases they wear shoes that are unfit, and in many cases badly fitting, worn-out shoes, looking for comfort. These conditions could readily be remedied if proper footwear were provided. At least two pairs of high shoes and two pairs of oxfords a year are needed for women who are on their feet practically the entire working day. This we believe to be a reasonable allowance. (One woman agent assisting in the survey wore out a pair of $7 oxfords in two months' time.)

The item of "clothing" may also require an explanation. While the amount allowed seems not to be very generous for the purchase of stockings, it is made upon the information supplied by the girls themselves. The club women allowed five pairs of lisle and one pair of silk for better wear. In the budget figured by agents of the Women's Bureau an allowance is made for only six pairs of lisle hose.

Two pairs of "rubbers" have been allowed, for summer and winter wear, as it was thought this protection was necessary, especially in the smaller towns, for streets are not always found in the best condition.

The item of "cleaning and pressing" covers one cleaning of the two suits and the dress a year. This was thought necessary, as these garments are given continuous wear in all kinds of weather.

"Shoe repairs" must be taken into consideration, and a sufficient amount allowed for resoling two pairs and for reheeling four pairs a year. Minimum rates on this work have been obtained. Proper care of shoes is an important item of the expense budget and should not be eliminated or grouped with the item of "shoes." Conference groups were generally in favor of a fairly generous amount for this item. (Pages 22-23.)

Summary of the Cost of Clothing.

Table X.—Clothing Budget in Kansas for One Year. Made up from Suggested Budgets in Tables VII, VIII, IX. (Results of Direct Investigation.)

Articles	Average in first-class city.	Average in second-class city.	Average in third-class city.
Outside Clothing:			
Suit, 1 every year	$32.06	$32.14	$26.38
Coat, 1 in 2 years	14.43	14.64	13.85
Shoes, 2 pair, low	11.87	11.53	9.80
Shoes, 2 pair, high	13.31	12.13	10.64
Rubbers, 1 pair storm and 1 pair toe	1.78	1.69	1.75
Umbrella, 1 every two years	1.29	1.16	1.08
Hats, 1 summer and 1 winter	10.56	9.93	10.46
Gloves, 1 pair kid	2.97	3.13	2.79
Gloves, 1 pair fabric	.93	1.02	.96
Purse, 1 every year	2.81	2.39	1.98

[Concluded on Page 990.]

[Concluded.]

Waists, Dresses and Accessories:			
Waists, 2 cotton.....	4.05	4.35	3.60
Waists, 1 silk.....	5.07	4.79	4.95
Dresses, 2 cotton.....	11.41	10.01	8.78
Dresses, 1 worsted.....	19.01	18.89	17.11
Handkerchiefs, 1 dozen..	1.50	1.43	.82
Kimono, 1 cotton crepe..	2.53	2.75	2.15
Aprons, 3.....	3.75	3.93	3.17
Neckwear, 2 collars.....	1.57	1.31	1.15
Neckwear, 1 ribbon bow tie	.10	.10	.10
Underwear:			
Gauze vests, 4.....	1.22	1.06	1.05
Teddybears, 4.....	4.79	5.14	4.33
Summer knitted suits, 4.	2.99	3.14	3.57
Brassieres, 4.....	2.13	1.91	2.11
Petticoats, 2 cotton.....	2.76	2.86	2.44
Petticoats, 2 sateen.....	3.17	3.20	2.81
Nightgowns, 2 summer..	2.23	2.52	2.22
Nightgowns, 2 winter....	3.11	3.36	2.92
Corsets, 2.....	4.91	3.90	3.65
Stockings, 6 pair, lisle...	4.18	3.76	3.39
Incidentals:			
Cleaning and pressing, suit twice, dress once..	4.46	4.53	4.58
Repairing shoes, half soles, 2.....	2.26	2.33	2.12
Repairing shoes, heels, 4.	2.02	2.11	1.88
Total by year.....	$181.23	$177.14	$158.59
Average by week.....	3.485	3.406	3.049
Average for state by week..	$3.313	.....	.....

Sundry Items.

Information for this division of the minimum expense budget was derived from group conferences, from

individual budgets submitted by employees, and from recommendations by reputable dentists, oculists and physicians in support of certain items. Conference groups almost without exception recognized the items as legitimate expenditures which should be included in a cost-of-living study. (Page 24.)

Explanation of Items.

Laundry. Because investigation showed that it was not always possible for a girl to receive special privileges in rooming houses, it was considered necessary to include the item of laundry in the budget. Budgets made out by employees show this as an essential item of expense. Conference groups made allowance for it, though no allowance made was considered large enough to make it unnecessary for the girl to do much of her own laundering.

Sickness. Budgets submitted by the girls show that medical attendance was necessary in the majority of cases. This need was recognized by conference groups, members of which allowed from ten cents to a dollar a week for medical attendance. Letters from reputable physicians in the state show that medical advice should be considered a legitimate item of the expense budget, as women who are given proper medical care when they need it, and know they can afford it, have better health and become, therefore, more efficient workers.

Dentist, Oculist. As it has long been recognized that the care of the teeth and the eyes is essential to good health, the inclusion of this item in the budget is considered necessary. Conference groups allowed from 7 to 50 cents a week for the care of the eyes and teeth, based upon the suggestion that at least two cleanings of teeth a year are necessary.

Amusement. That amusement is considered an important factor in promoting efficiency is shown by group action on this item. Merchants and club women in their estimates allowed from 25 cents to $1 a week for amuse-

ments. Individual budgets suggest picture shows as the most common and most accessible amusement.

Vacation. The vacation allowance granted in group conferences ranged from 19 to 50 cents a week. Reports from the girls show that present salaries do not permit a vacation in the majority of cases. Living expenses go on regardless of vacation, and a reduction in wages during the vacation period, unless supplemented by a fair vacation allowance, would not permit of a vacation at all. Only one conference eliminated this item altogether, and one grouped it with amusements. It was the sentiment of the one group that it should not be allowed, because it was claimed all girls employed in that town received vacations on pay. This is not, however, general. In another conference it was not decided what amount should be allowed, although it was agreed that this item should be included.

Life Insurance, Savings. Very few budgets from individual workers indicate that it is possible to save, or if saving is indicated, self-denial on items essential to an American standard of living is noted. In most conferences it seemed to be generally agreed that some amount should be allowed for savings, yet no one seemed to have any estimate to offer. The savings amount is, in a minimum budget, really an amount to help tide one over in an emergency. The item usually agreed upon was some form of insurance. It was agreed by most groups that this insurance was not only a necessary protection to the girls but to the community as well. (Pages 24-25.)

Church and Charity. Almost without exception, groups made a small allowance for this item. It has been considered a necessary part of the expense budget, but budgets from individual workers indicate that it is not possible, except in cases of better-paid workers, to contribute to this item. In some cases conference groups said that girls should not contribute anything to either of these amounts. "Let those who can afford it give to the churches." On the other hand, girls say they will

not go to church if they cannot help; in some churches they would be discriminated against. One girl said, "It's pretty embarrassing always to pass up the collection box." Another one said, "Yes, and be called 'yellow' if you don't give to the Red Cross."

Organization. Membership in at least one organization of the worker's choice should be made possible. This was the point of view of conference groups, the majority deciding to include this item in the budget.

Self-improvement. Although not generally allowed by conference groups, this item has been included in the budget, as it is believed a living wage should be sufficient to grant certain benefits to be derived through educational channels. No item allowed has been a larger amount than would provide for a daily newspaper.

Car Fare. This is an essential item of expense in the larger cities in the state, in which are employed the majority of workers. While this item was not essential in the majority of towns, it was left in the budget to offset additional expense of shoe leather which walking in bad weather would make necessary.

Incidentals. Because it has been impossible to tabulate the innumerable small necessities not included elsewhere in the budget, this item has been added to care for minor expenditures, covering toilet articles, shoe laces, shoe polish, pencils, pens, ink, stationery, stamps, hairpins lingerie tape, needles, thread, darning cotton, etc. An estimate contained in a government bulletin (Monthly Labor Review, U. S. Department of Labor; June, 1920) shows that 8.5 per cent of the total clothing budget should be allowed for incidentals.

Summary of Sundry Costs.

Tables XI, XII and XIII show the action by group conferences on items listed under "sundries." Our own estimates for these items are the same for all towns, as these minor costs are believed to vary little, if any, in the state; therefore, only the total for sundries is given

for each community. A comparison of the total amounts suggested by group conferences with the total given in the "suggested budget" will show that in many instances the "suggested budget" is less than the estimates of merchants and club women. (Page 26.)

General Cost-of-living Budget—Suggested.

	By the year.	By the week.
1. Room	$176.80	$3.40
2. Board	330.20	6.35
3. Clothing	172.12	3.31
4. Sundries:		
a. Laundry	26.00	.50
b. Sickness	20.28	.39
c. Dentist, oculist	5.20	.10
d. Amusements	26.00	.50
e. Vacation	19.76	.38
f. Life insurance, savings	15.60	.30
g. Church and charity	10.40	.20
h. Organizations	5.20	.10
i. Self-improvement	7.80	.15
j. Car fare	54.60	1.05
k. Incidentals	10.40	.20
Totals, sundry items	$201.24	$3.87
Totals, all items	$880.36	$16.93

The allowance for each item in the budget will enable a girl to have the following:

ROOM: An individual standard sleeping room.

BOARD: A sufficient amount of clean, wholesome food at average minimum café rates.

CLOTHING: Clothing sufficient to enable a girl to be neatly and comfortably dressed.

SUNDRIES:

Laundry: A small bundle of laundry; not sufficient to cover the entire cost if a girl is expected to wear a fresh apron every day.

Sickness: Medical attendance and advice when absolutely necessary.

Dentist: Either dentist or oculist fees, but not sufficient for both.

Amusements: One picture show and car fare to and from the show each week.

Vacation: One week of vacation; not far from the city.

Life insurance, savings: A $500, twenty-year-payment life policy.

Church and charity: The customary weekly church contribution of 10 cents and $5 per year for charity.

Organizations: Membership in the Y. W. C. A. and half of the membership privileges.

Self-improvement: A daily newspaper was all.

Car fare: Allowance for car fare twice a day for seven days; covers car fare to church.

Incidentals: Innumerable minor articles which it has been found impossible to itemize in the budget, such as toilet articles, shoe laces, shoe polish, pencils, pens, ink, stationery, stamps, hairpins, lingerie tape, needles, thread, darning cotton, etc. (Page 40.)

Kansas. Court of Industrial Relations. Second Annual Report for the year ending December 31, 1921.

General Cost-of-Living Budget—Suggested.

The distribution of expenses among the suggested budget items is as follows:

	By year.	By week.
1. Room	$176.80	$3.40
2. Board	330.20	6.35
3. Clothing	172.12	3.31
4. Sundries:		
a. Laundry	26.00	.50
b. Sickness	20.28	.39
c. Dentist, Oculist	5.20	.10
d. Amusements	26.00	.50
e. Vacation	19.76	.38
f. Life insurance, savings	15.60	.30
g. Church and charity	10.40	.20
h. Organizations	5.20	.10
i. Self-improvement	7.80	.15
j. Carfare	54.60	1.05
k. Incidentals	10.40	.20
Total, sundries	$201.24	$3.87
Total, all items	$880.36	$16.93

(Page 91.)

Massachusetts.

Massachusetts. Department of Labor and Industries. Bulletin of Current Activities. June, 1920.

How the Boards Reach their Determinations.

The cost of living, however, is not the only factor which the boards must consider in making their decision as to the minimum wage. The law requires them to consider also the financial condition of the occupation; that is, whether it can stand a living wage. For this reason some of the wage boards have recommended rates below

the amount they found as the cost of living. Thus the knit goods wage board, after adopting a budget of $15.30, fixed a minimum rate of $13.75. It should be remembered that the board is acting under its legal obligations in taking such action, and that the commission has no authority to change the findings of the board. With the exception of this instance, however, all of the boards recently in session have established the minimum wage at the cost of living as they determined it. The majority of the early boards, on the other hand, fixed the minimum from $1 to $1.50 below the cost of living. Even with this reduction the resulting rates meant, at the time they were entered, a considerable improvement in the wage situation.

It should be remembered in connection with the minimum wage that the rate fixed by the boards is an actual minimum and not the average or standard wage. It is intended merely to establish a limit below which wages should not fall. (Page 13.)

Massachusetts. Department of Labor and Industries, Division of Minimum Wage. No. 17. Paper Box Occupation Decree. May 26,, 1920.

The Board held its first meeting on March 18, 1920, and after four meetings, on April 29, 1920, submitted to the Commission a report of its determinations, together with the reasons therefor and the facts relating thereto. This report was signed by all the members.

Regarding the needs of female employees in the paper-box industry, and its recommendations based thereon, the board unanimously adopted on April 15, the following budget:

Items.	Amount per week.
Board and lodging	$9.00
Clothing	3.25
Laundry	.60
Doctor and dentist	.50
Church	.15
Newspapers and magazines	.25
Vacation	.50
Recreation and self-improvement	.50
Insurance	.10
Contingent fund	.40
Incidentals	.25
Total	$15.50

In submitting this budget the following items are noted:

Car Fares.—No allowance for car fares between the residence of the worker and the place of employment was included, because it appeared that a very large proportion, if not the majority, of the employees live within walking distance of their place of employment, and such an item could not therefore be included in a minimum budget.

Vacation.—The allowance is intended to cover the expenses of a vacation of two weeks, which was found to be necessary to maintain the worker in health.

Recreation and Self-improvement.—It was decided to combine these items under one head because an allowance for both is necessary, but the division of such an allowance would vary according to the character of the worker.

Insurance.—This amount was allowed to cover cost of industrial insurance or the fees of benefit associations, based upon the minimum amount actually paid by the worker.

Contingent Fund.—This term was adopted as a better term than "savings," because a minimum wage worker is not expected to save money, but only tempo-

rarily to lay aside sufficient to provide for usual contingencies.

Incidentals.—The allowance for this item is to include those things necessary in a cost of living budget which are not included in the other items. (Pages 2-3.)

It is also recommended that this minimum be varied to meet changes in the cost of living:

This board believes, and therefore recommends, that the minimum wage should vary with the index figures given in the table of statistics furnished by the Bureau of Labor and Statistics of the United States Department of Labor, and that if thus varied justice will be done the industry, the employees, and the public.

A change in the minimum wage should only be made when there is a real change in the cost of living, and it should, in our opinion, be made by the Commission only upon the request of a reasonable number of employers or employees of the industry.

We therefore recommend that this minimum wage of $15.50, which is based largely on the cost of living existing during April, 1920, and which it is recommended shall go into effect July 1, 1920, continue until further order of the Commission made on or about January 1, or July 1, of any year upon petition of either ten paper-box manufacturers or fifty employees of paper-box manufacturers, five from each of ten different factories; that upon such a petition the Commission shall establish the minimum wage at a figure which shall bear the same proportion to the sum of $15.50 as the index figure in the table of the relative retail prices of the principal articles of food in the United States, published by the Bureau of Labor and Statistics of the United States Department of Labor in the Monthly Labor Review for the month of October or April preceding, bears to the index figure in the said table for the month of April, 1920.

The board further recommends that the notice of the decree to be posted by employers contain a statement like the following:

The wage board, upon the determinations of which this decree is based, earnestly recommends both to employers and to employees in the paper-box industry that they view this decree only as defining a minimum living wage, and that they recognize that in order to reduce the cost of living it is essential that both employers and employees co-operate to secure a maximum production. (Pages 3-4.)

Massachusetts. Department of Labor and Industries. Bulletin of Current Activities. June, 1920.

An itemized list of incidentals prepared for the paper-box wage board is given below:—

Itemized List of Incidentals Prepared for Paper-Box Wage Board, April, 1920.

Collars and neckties	$1.25
Handkerchiefs	1.00
Shoe and corset lacings	.25
Shoe blacking	.20
Tooth paste and brushes	1.25
Comb and brush	1.00
Side combs and hairpins, etc	.75
Shields	2.00
Miscellaneous	.35
Darning cottons, threads, safety and common pins, needles	.20
Talcum powder	1.75
Stationery and stamps	1.75
Toilet soap	1.25
Total	$13.00

Approximate average per week, $0.25.

(Page 13.)

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. No. 16. Women's Clothing Occupation Decree. May 6, 1920.

The board held its first meeting on January 14, 1920, and after nine meetings, on March 31, 1920, submitted to the Commission a unanimous report of its determinations, together with the reasons therefor and the facts relating thereto.

Regarding the needs of female employees in the women's clothing occupation, and its recommendations based thereon, the board reports as follows:

In determining the cost of living budget, the board had before it the budgets of previous wage boards, studies of the cost of living by agencies of the government and private organizations, and facts gathered and submitted by members of the board. Each item of the budget was considered separately with the following results:

Minimum Budget.

	Favored by employee members.	Favored by all other members.
1. Board and lodging	$9.50	$9.50
2. Clothing	3.25	3.25
3. Laundry	.45	.45
4. Doctor and Dentist	.45	.40
5. Church	.20	.10
6. Vacation	.45	.40
7. Recreation	.45	.37
8. Education	.18	.18
9. Savings	.50	.30
10. Carfare	.20	.20
11. Incidentals	.10	.10
Total	$15.73	$15.25

In connection with this budget, the board makes the following explanation:

Item No. 1 was adopted after personal investigation of living conditions in a number of cities and towns. The

item is a minimum for the worker who boards, and eats all meals out. The room provided is the cheapest room within walking distance of the factory.

The clothing item (No. 2) was adopted after detailed consideration of a clothing budget, based on between-season prices for serviceable apparel.

A nominal savings item (No. 9) was adopted, but it should be noted that this item does not represent any attempt to insure against seasonality of employment, which is an important factor in this industry.

With respect to the budget as a whole, it should be observed that the board was dealing with living conditions as they prevailed at the beginning of this year, the highest point yet reached in the rising cost of living. The board considered the possibility of a fall in prices, but felt that it could not base a recommendation on conjectures as to the future, but must deal with facts as they now exist. Under the power of the Commission to reconvene the boards on petition, it may be possible to make a readjustment at some future time should there be a radical change in the price level.

The fact that the budget makes no provision for loss of employment due to the seasonal character of certain branches of the industry is noted by the board with the following statement:

> It was felt that the problem of seasonality is too large and complex to admit of handling through the medium of a minimum wage, and therefore the board has voted to recommend this problem to the attention and study of the Department of Labor and Industries. (Pages 2-3.)

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. No. 19. Minor Lines of Confectionery and Food Preparations Occupation Decree. October 4, 1921.

Regarding the needs of female employees in the minor lines of confectionery and food preparations industry the board adopted, on April 13, 1921, the following budget:—

Items.	Amount per week.
Board and lodging	$8.50
Clothing	2.50
Laundry	.20
Car fares	.40
Doctor and dentist	.50
Church	.15
Self-improvement: recreation and community interests	.50
Vacation	.20
Reserve for emergency	.30
Incidentals	.25
Total	$13.50

In submitting this budget the following items are noted:—

Vacation.—The amount set for vacation was not considered to be adequate, but this item was included in order to show that the board emphatically approved granting employees a vacation. Actual leave of absence from the factory for recuperation was considered to be the essence of a vacation. Where this was granted it was thought the amount set under the head "Self-improvement: recreation and community interests" should be diverted to the use of a vacation.

Self-improvement: Recreation and Community Interests.—This title was believed to provide for certain well-defined needs in the life of every one. It is broad enough to include newspapers and magazines, and was set at a figure sufficient to be adequate where no actual vacation was given.

Reserve for Emergency.—The item "Savings" was thought, possibly, to suggest investment for the purpose of accumulating a capital fund for which provision could not properly be made in considering the minimum wage, and this term was accordingly changed to "Reserve for emergency," which more clearly expressed the need to be met by this item.

Insurance.—This item was omitted, not because it was disapproved, but because in conditions facing the industry at the present time it was felt an allowance should be made only for the most necessary expenditures.

Regarding the financial condition of the industry and the effect of establishing a minimum rate which would equal the cost of living, the board reports as follows:—

The members of the board chosen from the employers were emphatic in their case that the industry could not afford a minimum wage fixed at $13.50 for the adult, experienced worker. But the evidence on this subject proved difficult to secure. Employers, either from inadvertence or lack of interest, failed to respond to questionnaires which were sent out. The most impressing evidence of the financial condition of the industry was the number of factories which were not hiring help, even at the existing low wages, but which preferred to be idle or nearly idle rather than operate at a greater loss. The committee appointed to investigate this subject reported that owing to the business depression, which was a matter of common knowledge, no exact figures on sales or profits could be found. The industry within the scope of this inquiry could not endure a wage based upon the budget, and the committee recommended a minimum wage of $12 for the experienced, adult workers. The factors pointed out by the committee as producing the business depression were liquidation of stocks produced at rates above those current; heavy losses from the sugar market; pressure of banks due to shortage of money; small sales on new orders, due to a determination on the part of the public not to buy until lower levels are reached; and out-of-State competition. . . . In an endeavor to adjust the burden as equitably as possible between employer and employee, the following recommendations were finally unanimously voted: (Pages 2-3.)

1. For those sixteen years of age and over, with three months' experience, not less than $12 a week. . . . (Page 4.)

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. No. 20. Paper Box Occupation Decree. (Revised.) April 27, 1922.

In submitting this report the board explained as follows the method of arriving at its determinations:—

The previous Paper Box Wage Board in its report to the Commission recommended that the minimum wage should vary with the index figures in the table of the relative retail prices of the principal articles of food in the United States published by the Bureau of Labor Statistics of the United States Department of Labor in the Monthly Labor Review. The present board at the outset, and again in finally considering the questions before it, came to the conclusion, first, that the finding of a minimum wage of $15.50 recommended by the previous wage board was, at the time and under the conditions then prevailing, fair; second, that a more just and equitable result would be arrived at by reducing the minimum wage in accordance with the best statistics available as to the fall in the cost of living occurring since the previous determination rather than by preparing a budget representing the minimum cost of living of a self-supporting woman in this industry. An examination of the various statistics showed that the recommendation of the previous board, that the change in the minimum wage should be made based upon retail food prices, would be inequitable because this change was not representative of the change that had taken place in all the factors entering into the budget of a self-supporting woman in this industry. It also showed that while various statistics available were not in complete accordance, a fair result based upon considering and balancing the statistics as a whole would fix the present minimum wage at $13.50.

Regarding the financial condition of the industry, the board found that a minimum wage of $13.50 would not have an injurious effect. In this connection the board stated that some consideration was given to this matter in determining the reduction of the minimum wage to the amount reached. (Page 2.)

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. No. 21. Women's Clothing Occupation Decree. (Second Revision.) April 27, 1922.

The board held its first meeting on December 21, 1921, and after eight meetings, on February 3, 1922, submitted to the Commission a unanimous[4] report of its findings, together with a statement of the reasons therefor and the facts relating thereto.

The board accepted the recommendations of the representatives of the public on the various wage boards then in session regarding basis for action and procedure.

These recommendations follow:—

1. *Regarding a Fair Basis for the Cost of Living Budget.*—That the fact that a girl lives at home is not to be considered in fixing a minimum rate.

2. *Regarding the Financial Condition of the Industry.*—That the minimum should not be reduced below the standard fixed as the cost of living except under serious and unusual conditions established by evidence presented by the employers; and, in case any board recommends a minimum rate below the cost of living, that the representatives of the public on the board should be responsible for seeing that a petition is presented for reconvening the board at an early date.

4. *Time for completing Work.*—That the reconvened wage boards should submit their determinations within two months from the date of their first meeting, if possible.

5.[5] *Regarding Date for Decree to become effective.*—That not more than three months should intervene between the date of the wage board's determinations and the date the decree should become effective. (Page 2.)

[4]The report was submitted with the signatures of thirteen of the fifteen members. The two members who were absent at the final meeting of the board subsequently signed the report, thus making the findings unanimous.

[5]Recommendation of the sub-committee appointed by the full committee.

Minimum Budget.

Items.	Amount per week.
Board and lodging	$8.50
Clothing	2.50
Laundry	.35
Doctor, dentist and oculist	.40
Car fare	.20
Church	.20
Self-improvement (including newspapers, etc.)	.25
Vacation	.40
Recreation	.37
Reserve for emergency	.30
Mutual association dues and insurance	.25
Incidentals	.25
Total	$13.97[1]

Regarding the amount for board and lodging, explanation is made that the $8.50 allowed for these two items was divided, in the opinion of the board, into $5.75 for meals and $2.75 for room. (Page 3.)

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. No. 25. Laundry Occupation Decree. May 19, 1922.

The board held its first meeting on March 22, 1922, and after four meetings submitted to the Commission on April 20 a report of its determinations, together with the reasons therefor and the facts relating thereto. This report was signed by eight of the thirteen members of the board, including the chairman, all of the representatives of the employees, and one of the representatives of the employers.

Regarding the cost of living for female employees in the laundry occupation, the board reported as follows:—

It was agreed to take the former budget as fair at the time it was adopted, and modify that by the change which

[1]When the budget was finally adopted, 3 cents was added to it, making the total $14.

Massachusetts. Department of Labor and Industries. Division of Minimum Wage. Report for the year ending November 30, 1921.

Itemized Cost of Living Budgets

(As adopted by Massachusetts wage boards.)

	Brush Board (January, 1914).	Candy Makers' Board (Summer, 1914).	Laundry Board (Winter, 1915).	Women's Clothing Board (Spring, 1916).	Men's Clothing and Raincoat Board (Spring, 1917).[1]	Men's Furnishings Board (Summer, 1917).	Muslin Underwear Board (Winter, 1918).	Retail Millinery Board (Spring, 1918).	Office and Other Building Cleaners' Board (Spring, 1918).	Wholesale Millinery Board (Fall, 1918).	Canning and Preserving Board (Spring, 1919).	Candy Board (Spring, 1919).	Corset Board (Fall, 1919).	Knit Goods Board (Fall, 1919).	Women's Clothing Board (Reconvened, Winter, 1920).	Paper Box Board (Spring, 1920).	Minor Confectionery Board (Spring, 1921).	Brush Board (Reconvened) (Winter, 1921-22).	Women's Clothing Board (Reconvened, Winter, 1921-22).	Muslin Underwear Board (Reconvened, Winter, 1921-22).
Board and lodging	$5 25	$5 25	$5 25	$5 75	$5 50	$6 00	$6 00	$7 00	$7 00	$7 00	$6 00	$7 00	$7 00	$8 50	$9 50	$9 00	$8 50	$9 00	$8 50	$8 50
Clothing	1 44	1 50	1 50	1 50	1 90	1 75	1 50	1 92	1 75	2 00	2 25	2 25	2 50	3 25	3 25	3 25	2 50	2 50	2 50	2 10
Laundry	50	45	50	25	35	30	25	30	30	50	30	50	46	50	45	60	20	25	35	30
Car fares	70	60	60	10	40	60	60	60	60	84	25	76	40	75	20	-	40	25	20	60
Doctor and dentist	20	25	25	25	25	20	40	20	45	30	35	30	40	30	40[2]	50	50	25[3]	40[3]	50[3]
Church	10	11	11	10	10	10	10	11	13	13	15	11	15	10	10[2]	15	15	25	20	15
Newspapers and magazines	16	11	16	18	15	15	-	11	11	18	20	18	17	20	18	25	-	-	-	-
Vacation	19	20	20	25	25	35	-	35	25	40	40	40	45	50	40[2]	50	20	50	40	40
Recreation	17	20	20	25	25	-	-	25	20	25	30	30	30	40	37[2]	50	-	-	37	25
Savings[4]	-	-	-	25	50	25	-	25	25	30	30[5]	30[5]	37	20	30[2]	40	30[6]	50[6]	30[6]	30[6]
Incidentals	-	-	-	10	20	50	60	25	35	25	25	25	38	30	10	25	25	25	25	25

Organization dues	–	–	–	–	15	15	20	–	–	–	–	–	–	–	–	–	–	–	15[7]	25[7]	15[7]
Insurance	–	–	–	–	–	10	–	10	15	10	–[4]	–[4]	12	10	–	10	–	–	–[5]	–[5]	–[5]
Self-improvement	–	–	–	–	–	–	–	20	–	25	25	15	15	20	–	–[9]	50	50[9]	25	25
Benefit associations	–	–	–	–	–	–	–	–	–	–	–	–	15	–	–	–	–	–	–	–
Total	$8 71	$8 67[10]	$8 77	$8 96	$10 00	$10 45	$9 65	$11 64	$11 54	$12 50	$11 00	$12 50	$13 00	$15 30	$15 25	$15 50	$13 50	$14 40	$13 97	$13 75

[1]The Men's Clothing and Raincoat Board (reconvened, fall of 1919) voted unanimously a minimum rate of $15 to supersede the $9 rate, the new rate to become effective on February 1, 1920.

[2]The employee members of the board favored the following amounts for these items: doctor and dentist, 45 cents; church, 20 cents; vacation, 45 cents; recreation, 45 cents; savings, 50 cents, bringing the total budget to $15.76. The budget as presented above was favored by all other members.

[3]Includes "oculist."

[4]This item was classed as "reserve for deficiency" by the Corset Wage Board. The Paper Box Wage Board adopted the term "contingent fund" in place of "savings."

[5]The Canning and Preserving Wage Board and the Candy Wage Board included insurance in the figure given for savings.

[6]Called "reserve for emergency."

[7]Includes "insurance."

[8]The Paper Box Wage Board combined self-improvement with recreation.

[9]Includes "newspapers."

[10]$8.75 was voted unanimously by the Candy Makers' Wage Board from the above budget as the necessary cost of living, allowing 8 cents extra for miscellaneous requirements.

(Appendix No. 4.)

has occurred since. As basis for estimating the change, the board decided to accept the index numbers of the Massachusetts Commission on the Necessaries of Life. According to these figures the budget of $8.77 adopted in 1915 would in 1922 amount to approximately $13.50.

The board therefore found the minimum amount upon which a self-supporting woman in the occupation could maintain herself in health to be $13.50 a week, an increase of approximately 54 per cent over the former rate.

With respect to the financial condition of the industry, it was the opinion of the board that it should be possible for the industry to stand a minimum rate based on the cost of living budget.

The board accordingly found that the minimum rate of wages for female employees of ordinary ability in the laundry occupation should be not less than $13.50 a week.

It was felt by the board that the term of experience, one year, required under the former decree was too long, and that five months was adequate for a woman of ordinary ability to gain experience in the occupation. Accordingly this was fixed as the term for the learning period. (Pages 1-2.)

North Dakota.

North Dakota. Workmen's Compensation Bureau. Minimum Wage Department. Bulletin No. 1. Report by Secretary and Special Investigator. From August 4, 1919, to December 31, 1919.

From Table II it would seem that the small towns pay higher wages, particularly in those occupations furnishing neither board nor room to the employees. . . . It is a fact that in the smaller towns the mercantile employees especially receive greater compensation for their labors. This is due to the scarcity of labor in these communities and the difficulty in retaining workers who would rather move to the big cities. (Page 8.)

Considering all items of expense [in making up a standard minimum budget] it is doubtful whether they

vary to any considerable extent in different parts of the state. Room and board may be more expensive in the five large cities, Fargo, Grand Forks, Minot, Devil's Lake and Bismarck, but on the other hand the cost of clothing and sundries is higher in the small towns. (Page 10.)

Table II.—Showing Number of Towns in Each Population Group with Average of Lowest Wages Paid.

Population	No. of Towns	No. of Establishments	Average of Lowest Wages by Towns						
			$9.75	$10 to $10.99	$11 to $11.99	$12.25	$13.50	$14.25 to $14.50	$15
Over 10,000	2	70	1	..	1	..	..	..	..
4 to 8,000	5	127	..	..	5	..	....	..	..
2 to 4,000	4	50	..	3	1	..	..	..	..
1 to 2,000	9	77	..	2	5	1	..	1	..
Under 1,000	6	32	..	1	..	1	2	1	1

(Condensed) (Page 8)

North Dakota. Workmen's Compensation Bureau. Minimum Wage Department. Bulletin No. 1. Report by Secretary and Special Investigator. From August 4, 1919, to December 31, 1919.

In estimating the minimum cost of living for all working women, it would seem advisable to classify workers into two classes:

1. Women whose occupations demand them to be well dressed.

2. Women who by wearing other apparel during working hours save considerable expense.

Class 1.	Class 2.
Mercantile employees	Laundry workers
Office and clerical help	Chambermaids
Waitresses	Factory workers
Telephone operators	Kitchen help—restaurants, hotels, hospitals

The difference in expense for those two classes of workers is estimated at 75c a week. This item reduces the cost of clothing for Class 2 to $3.25 per week.

From the above classification and discussion the minimum expense for women workers in North Dakota is suggested as follows:

	Class 1	Class 2
Room	$2.25	$2.25
Board	7.00	7.00
Sundries	3.00	3.00
Clothing	4.00	3.25
Total	$16.25	$15.50

(Pages 10-11.)

North Dakota. Workmen's Compensation Bureau. Minimum Wage Department. Second Biennial Report. July 1, 1920, to June 20, 1922.

[Cost of Living Survey. Begun June, 1921, under the direction of the Women's Bureau of the U. S. Department of Labor.] (Page 5.)

Cost of Room.

Of those interviewed, 237 women paid a definite sum of money for rooms, 185 of whom occupied rooms where no cooking could be done.

58 or 31 per cent paid under $10 a month.
43 or 23 per cent paid $10 and under $12 a month.
84 or 45 per cent paid $14 and over a month.

185 (Condensed.) (Pages 9, 11.)

Of the 52 women interviewed who did light housekeeping,

18 or 34 per cent paid under $10 a month.
15 or 28 per cent paid $10 and under $12 a month.
19 or 36 per cent paid $14 and over a month.

52 (Condensed.)

A division of single and double rooms for light housekeeping was not made, but most of those who paid under $10 a month occupied a room with another. Rooms for which less than $10 was paid were not located in modern homes and were not provided with proper facilities for light housekeeping. (Page 13.)

Board.

Of the 141 women adrift, who paid for their entire board, 11 out of 19 in the first wage group [those earning less than $15 a week] paid $5.00 and under $6.00 a week. Of the 42 in the second wage group [those earning $15 to $16.99 a week] 26 paid $6.00 and under $7.00 a week; and of the 80 women in the third wage group [those earning $17 and over a week] 50 paid $7.00 a week and over for their board. (Page 15.)

Of the 37 women who spent less than $6.00 a week for board, 16 ate at cafeterias conducted by the telephone company in Fargo and Grand Forks, except on Sunday, when they ate at restaurants. The meals furnished at these cafeterias were being served at 20c a meal (at cost if not below). The meals which these women purchased on Sunday averaged $1.00 to $1.50 a day.

The median cost of food [for the 52 women who prepared their own meals] was $20.00 a month and over.

A few women who lived away from home paid for their board and room as one item of expense. Of the 16 women who paid for their board and room as one item of expense, 6, who paid $6.00 and under $8.00 a week, lived in a boarding house which was being partially maintained as a charitable institution. Of the 5 women who worked for their room and board, three worked for both board and room, and two worked for board only.

Of the 282 who were adrift, 74 received board or board and room as part payment of their wage. (Page 18.)

Laundry Expense.

Of the total number of women interviewed, 185 had their laundry done at home without expense or labor to

themselves. Twenty of the women living at home had their laundry work done outside the home, for which there was an expense to themselves. Of the 102 women who had their entire laundry work done outside, the median cost was $1.14 per week. (Page 21.)

Doctor, Dentist and Oculist Bills.

Of the 594 women interviewed, doctor, dentist or oculist bills were incurred by 453 within twelve months preceding the investigation.

The total number of women who incurred doctor bills was 234, for whom the average annual expense was $64.40. We wish to note in this connection that the year preceding the survey was probably phenomenal in this respect on account of the flu epidemic and the serious illness resulting from this disease.

The total number of women having dentist bills was 336, with an average expense for the past twelve months of $28.75. (Page 21.)

The total number of women having oculist bills was 123, with an average expense for the past twelve months of $19.78.

The average annual expense for all such professional treatment for these 453 women was $59.95.

Averaging only the doctor bills by occupation the following table is given:

Table X.—Women Who Had Incurred Medical Expenses By Occupation.

Occupation.	Total No.	No. having Dr. bills.	Average annual medical expense.
Clerks	171	72	$90.14
Laundry workers	94	30	68.88
Hotel workers	124	44	55.54
Telephone workers	113	52	53.10
Factory workers	47	17	37.69
Office workers	45	19	32.85

(Page 22.)

Clothing.

It will be found that with almost all articles of clothing, the first two industrial groups, office and mercantile, wear not a greater number but more expensive clothing than the other groups. In the case of aprons the number is determined by the nature of the occupation—chambermaids, waitresses and laundresses leading. About 15 per cent of the women interviewed made part or all of their dresses, waists and skirts. Over 60 per cent of them made part or all of their underwear and aprons. On an average there was a difference of from 23 to 40 per cent in the cost of articles made at home and bought ready made. However, it was not possible to designate this in the table because, when giving costs, a division was not made by the woman interviewed. For this reason the average price of these articles, given in Table XI, is, if anything, lower than the actual average purchasing price of the articles. (Pages 22, 24.)

TABLE XI.—Average Cost of Clothing Per Year.

[Summarized.]

Office	$361.68
Mercantile	314.33
Waitress	294.10
Telephone	271.93
Factory	252.22
Laundry	252.84
Chambermaid	187.65
Average	$277.82

(Condensed.) (Page 23.)

Incidentals.

Table XIV. gives all the incidental expenses incurred by one woman interviewed, from July 1, 1920, to June 30, 1921. The costs for board, room, laundry and clothing are not included in this table. While this is the only

budget which was obtained which included these incidental expenses, it seems to represent a normal average expenditure for incidentals and is, if anything, conservative, because there is not a single item given for reading material or entertainment (aside one item for attending the county fair). The total amount, $74.01, makes an average weekly expense of $1.42 for incidentals. This amount includes four items of expense, totalling $12.55, for Christmas presents. Deducting this amount from the total leaves $61.46 a year or $1.19 a week as an average expense for incidentals. (Page 27.)

Table XIV.—List of Incidental Expenses for the Period of From July 1, 1920, to June 30, 1921.

(Copied from memorandum submitted to Bureau.)

$0.25	spent	.07	tag day
.20	carnival	.25	soap
.25	church and ss.	.15	church
.10	church lunch	.26	medicine
.45	cherries	.10	church
.10	church	.60	bananas
.60	rubber heels	.60	rubber heels
.50	camphor	.77	medicine
1.60	fair	1.85	towels
.10	Sunday school	.50	tickets
.60	ice cream for family	.10	church
.10	church lunch	.40	pattern
.15	Sunday school	.15	church
.78	soap and tooth paste	1.25	lining and belting
.10	shoe polish	7.50	Xmas present
.25	ice cream	1.55	ribbon
.78	show and candy	1.50	beading
.20	flowers and lemon	.10	shoe laces
.25	ice cream	.15	church
.45	hair ribbon	3.74	Xmas present
.20	hair pins and net	.50	stamps
.15	candy	.15	stamps
.50	camphor	.20	church

.05 Sunday school
6.42 railroad fare
.81 goods for Xmas
.35 light
.99 nuts, etc.
.15 church
.10 stamps
.10 church
1.00 flowers
.10 church
.50 lace for camisole
.38 ribbon
.15 church
.20 elastic
.52 ointment
.45 crochet cotton
.87 bananas for home
.15 church
.40 grapefruit
.05 church
.10 candy
.75 soap and camphor
.15 church and ss.
.25 colorite
.15 bananas
.15 flowers for aunty
.15 church and ss.
.15 crochet cotton
.33 oranges
.20 church and ss.
.15 candy
.90 pictures and film
.37 gifts
.10 girls' class
1.50 union dues
.25 half doz. oranges
.10 church lunch
.15 flowers
.65 camphor and glue
.10 church lunch

.05 Sunday school
.10 Sunday school meeting
.30 crochet thread
.36 flowers
.15 lingerie clasps
.18 oranges
1.00 flowers
.50 machine oil
.50 present
.10 shoe polish
.25 soap
.15 church
1.35 class pin
.18 oranges
.20 ribbon, 1 yard
.15 crochet thread
.12 elastic
.15 church
.40 ice cream at home
.26 medicine
.40 pickles
.05 Sunday school
.50 name on watch
1.00 crochet cotton
.10 church and ss.
1.65 medicine
.10 flowers
1.00 crochet cotton
.15 Sunday school
3.00 union dues
.20 pictures
.25 soap
.25 thread
.95 shoe repair
.15 oranges
.50 bananas
.15 church and ss.
.17 candy
.32 raisins

.15 church and ss.	.35 tape, etc.
.50 camphor	.30 musk melon
.15 church	.15 church
.15 lemons	.55 ice cream took home
.10 church lunch	1.75 shoe repair
.15 church	.10 pop
.15 church	.25 soap
.18 ice cream	
.25 half doz. oranges	$74.01 Total

(Pages 28-29.)

Summary

Table XV. summarizes the foregoing tables and exhibits, by giving the average expense of the individual according to occupation. (Page 27.)

Table XV.—Average Weekly Expense for Women by Occupation, Giving Median Cost of Board, Room and Laundry for Women Adrift; and Averages of Other Expenses [except incidentals].

Occupation	Expense per Week (Median)			Expense per Week (Average)				Total
	Room	Board	Laundry	Dr.	Dentist	Oculist	Clothing	
Office	2.77	7.00	1.14	.65	.55	.38	6.96	$19.43
Mercantile	2.77	7.00	1.14	1.73	.55	.38	6.04	19.61
Telephone	2.77	7.00	1.14	1.02	.55	.38	5.22	18.08
Factory	2.77	7.00	1.14	.72	.55	.38	4.85	17.41
Laundry	2.77	7.00	*	1.33	.55	.38	4.86	16.88
Waitress	2.77	*	1.14	1.07	.55	.38	5.65	11.56
Maids, etc.	2.77	*	1.14	1.07	.55	.38	3.80	9.71

*The item so listed is furnished by the employer as part payment of the wage and there is, therefore, no expense for this item to the woman.

(Page 30.)

Pennsylvania.

U. S. Department of Labor. Bulletin of Woman in Industry Service No. 4. Wages of Candy Makers in Philadelphia in 1919.

Estimates of the Cost of Living.

In New York State the Consumers' League, after a careful examination of girls' budgets, stated that in the

early months of 1918, $14.80 was the minimum on which a girl could live. The Consumers' League of Eastern Pennsylvania named $14.66 as the minimum, explaining that it made no allowance for savings or health insurance, which the league considered essential in any budget. In the District of Columbia a conference composed of representatives of employers, workers, and the public and one representative of the minimum wage board, appointed under Act of Congress to recommend a minimum wage for the printing and publishing houses of the District, has just recommended to the minimum wage board a minimum of $15.50, [decreed minimum $15.50] declaring it to be "the minimum wage upon which a woman without dependents can maintain herself at a proper standard of living in the District of Columbia."

The difference between these recommendations for New York, Pennsylvania, and the District of Columbia is slight. In none of these reports is a wage of $14 or less considered adequate as a minimum.

How nearly does the girl working in the candy industry in Philadelphia earn this essential minimum? In a week of January, 1919, less than one-fourth, 22.6 per cent, of the women workers in the candy industry earned $14 and over, and one-half earned less than $10.30.

How does the girl who earns less than $14 make both ends meet? Her room probably costs $2.50 a week at the least and her board, covering only two meals on week days, and three meals on Sunday, will cost an additional $5. Then there are lunches, car fares, clothing, laundry, insurance, savings and recreation, all of which are required as an inevitable part of the cost of living. If a worker earns $10.30, which is the median wage in the candy industry, and pays $7.50 for room and board, she has left $2.80 for all other expenses. These necessities must be paid for in some such way as was illustrated among the candy makers who were interviewed in this inquiry. The first result of low earnings is that the girls must go without proper food, clothing, or medical care, so that the industry levies a toll upon their health. In

some instances charitable assistance was necessary. Coal and sometimes medical assistance were obtained from public or private charity. In families where there were two or three wage earners it was evident that either the entire family lived at a standard lower than the requirements for health and welfare or that those wage earners who were receiving somewhat more than the minimum were contributing to the support of those who were underpaid. If, as was the case frequently, the underpaid workers have had sufficient experience to be beyond the stage of apprenticeship and as adults are contributing their full time to an industry, it is evident that, from a social point of view, the failure of the industry to make the cost of living the basis for determining the minimum wage means that the industry is securing contributions from the wages paid in other industries or that it is levying a tax upon the amount which should be available for the requirements of a proper standard of living for the workers. (Pages 26-27.)

Washington.

Washington. Department of Labor and Industries. Evidence at public hearing for the telephone and telegraph occupations, or in any public occupation other than public housekeeping, laundry, dry cleaning and dye works, mercantile and manufacturing. October 6, 1921.

Statement of F. W. Harris, Statistician of the Department of Labor and Industries.

This budget, which I am about to read, is based on a very careful investigation of cost of living in the cities of Seattle and Tacoma and is brought right up to date. (Page 3.)

Clothing.

1 Suit	$25.00	$25.00	
1 Coat $35 (2 yrs.)	17.50	17.50	
1 Cotton skirt	5.00	5.00	
3 Waists	2.00	6.00	
2 Aprons	1.25	2.50	
1 pr. Dress Shoes	5.00	5.00	
1 pr. Work Shoes	5.00	5.00	
1 pr. Oxfords	5.00	5.00	
6 pr. Hose	.50	3.00	
2 Corsets	2.50	5.00	
2 Union Suits, heavy	1.75	3.50	
2 Union Suits, light	1.00	2.00	
2 Petticoats	2.00	4.00	
2 Nightgowns	1.50	3.00	
1 Straw Hat	5.00	5.00	
1 Winter Hat	5.00	5.00	
1 pr. Gloves	2.00	2.00	
1 pr. Gloves	1.00	1.00	
1 Umbrella	2.50	2.50	
12 Handkerchiefs	.08 1/3	1.00	
1 pr. Rubbers	.85	.85	
1 House Dress	2.00	2.00	
2 Corset Waists	1.00	2.00	
Shoes Repair	6.00	6.00	
4 Chemise	.75	3.00	
2 Bloomers	1.00	2.00	$123.85

Miscellaneous

Laundry, 75c per week	39.00	
Car Fare, 8 fares at 8 1/3c	34.67	
Stationery and Postage	3.00	
Toilet Supplies	10.00	
Association Dues, etc.	10.00	
Sundries	7.00	
Health Vacations	15.00	
Doctor and Dentist	10.00	128.67

Board and Room.

Board—Breakfast, 25c; Dinner, 45c.....	255.50	
Lunch—25c per day.....	91.25	
Room—$7.50 per month (2 girls).....	90.00	426.75
		$689.27
Average Cost per week.....		13.25

(Pages 3-4.)

Mr. E. L. Breen: Do I understand this is made up on the average basis of $13.20 that some things may be a little higher and others may be a little lower, say an umbrella need not cost $2.50, it may be purchased for $1.00, it is merely a general average, no individual item could be used except as an average?—*Commissioner Edward Clifford:* Yes. (Page 5.)

Wisconsin.

Wisconsin. Industrial Commission. Biennial Report. 1918-1920.

The living wage thus determined by the Industrial Commission was made uniform throughout the state. This action was taken because it was found that the cost of the necessities of life differed very little in the small towns from the large cities, although the expenditures for other items than those absolutely necessary were on the average considerably higher in the larger cities. The minimum wage, however, is intended to cover only a bare minimum of reasonable comfort, and is in no sense a desirable wage. (Page 60.)

3. The Evils of Inadequate Wages for Women.

(1) Social Effects.

(a) On the Health of the Workers.

Authorities agree that the adequacy or inadequacy of wages determines the standard of health of the workers, and hence the standard of public health. No one can maintain health whose earnings are too small to afford the necessities of existence, and to obtain these necessities adequate wages are indispensable.

The dangers to the health of women from low wages are twofold: lack of adequate nourishment and lack of medical care in sickness.

Investigation proves that with insufficient wages, food is necessarily cut down below the level of subsistence. In order to meet unavoidable expenses for lodging and clothing, working women often reduce their diet to the lowest possible point and health inevitably suffers. Moreover persons who are underfed suffer greater injury from insufficient clothing than those who are well nourished.

The vicious circle of "poor wages," "poor health," "poor wages," "poor health," says Dr. Armstrong turns out to be more frequently a descending spiral into the regions of destitution.

The Sanitarian's Definition of a Living Wage. DONALD B. ARMSTRONG, *M.D., Assistant Secretary, National Tuberculosis Association; Executive Officer, Framingham Community Health and Tuberculosis Demonstration, Framingham, Mass. Modern Medicine, Vol. 2, No. 2, February, 1920.*

On the constructive side, the family income must make possible an adequate amount of recreation, leisure, and education, if real healthful living is to be possible.

Probably the sanitarian more than anyone else is conscious of the fact that the great majority of families live in a vicious circle. The circle is made up of alternating segments which might be labelled "poor wages," "poor health," "poor wages," "poor health," and so on. The simile of the circle is somewhat misleading, for this turns out to be more frequently a descending spiral into the regions of destitution. The problem for the sanitarian is how to find a place to break into that circle, and to put these families on the ascending stair in which the steps are "good wages," and "good health."

It is of course impossible to put these living essentials, —the things that must be secured for the average family before it can be put on the road to economic freedom, health, and happiness,—into money terms. It is, however, extremely important to realize the range of these elements and to keep them in mind when working, legislating, and agitating for an adequate income.

It must be evident that a higher standard of living must be established. A higher conception of living standards would in itself presumably do much to accelerate wage increases and to retard wage reduction. If the worker himself knew the value of happiness, and the necessity for leisure, recreation, and education, as prerequisites to happiness, this in itself would be perhaps the greatest stimulus to a living wage. All of us, including the worker, must come to realize that the definition of a living wage depends wholly on the definition of living; that understood, the wage will tend to take care of itself. (Page 100.)

Framingham Monograph No. 3, Sanitary Series 1. Vital Statistics. Framingham Community Health and Tuberculosis Demonstration. National Tuberculosis Association. August, 1918.

Precinct Characteristics [condensed].

The precincts of Framingham and their corresponding enumeration districts, according to the 1915 census, are made up as follows:

Precinct I. . . . for the most part an above average district as regards economic and hygienic conditions. Rural conditions are usually satisfactory as regards sanitation.

Precinct II. . . . There is practically only one industry there, namely, a woolen mill. The population is predominantly American and Irish, and contains a fairly large number of Italians, Jews, and French Canadians. Hygienic conditions . . . are poor. The community has no sewers, wells and privies being fairly numerous. Housing is inferior.

Precinct III. (part of) . . . above average as to economic and sanitary conditions, and is made up largely of American, middle-class population, the males being engaged in commercial pursuits in the town. . . .

Precinct III. (part of) . . . surrounding the paper products factory, populated largely by Irish Americans, with no very heavy percentage of foreign born elements. Hygienic conditions are fair, about average for the town as a whole.

Precinct IV. . . . is constituted of a variety of nationalities, including most of the Framingham Jews and a few Italians. Irish stock predominates and economic and hygienic conditions are about the same as in Precinct III, about average for the community as a whole.

Precinct V. . . . contains most of the Italian population in Framingham. Hygienic conditions are poor, only part of the community is sewered, and housing is inferior. Congestion is great, lodgers are numerous, and the adults are employed under comparatively hazardous working conditions. (Page 40.)

Tuberculosis.

The precinct death rates from tuberculosis are shown in Table XV. Including transfers, it is evident that the rates per 100,000 are highest in Precincts V, IV, in the southern half of Precinct III, and in Precinct II, in the

order named. The northern half of Precinct III has the lowest rate, the latter being less than half that in Precinct V, while Precinct I also has an appreciably lower rate than half than the town in general. In other words, the more prosperous residential districts show the lower death rates. If the comparison is limited to the pulmonary form of the disease, much the same relationships are shown. (Page 16.)

Diarrhea and Enteritis under Two.

Calculated on the basis of total population, Precinct V has by far the highest death rate from diarrhea and enteritis, followed by Precinct IV, the southern half of Precinct III, Precinct I, the northern half of Precinct III, and Precinct II, in the order named. When the rates are calculated on the basis of population under five years of age, Precinct V is again found in the lead, followed by Precincts IV, I, the southern and northern halves of Precinct III, and Precinct II, in the order named. (Page 19.)

Infant Mortality.

On the basis of this one year's returns, however, it appears that the higher baby death rates prevailed in Precincts IV and V. Precinct II was in third place, followed by the southern half of Precinct III, Precinct I, and the northern half of Precinct III, in the order named. It is evident that the rate of mortality was higher in the less prosperous districts. Stillbirths were also relatively more frequent in these districts. (Page 21.)

Conclusions.

The mortality in the different precincts shows very strikingly that the less affluent precincts are at a distinct disadvantage. The general death rate of the precincts, when standardized for differences in age distribution, shows Precinct V to have the highest rate, followed in order by the southern half of Precinct III, Precincts IV, II, I, and the northern half of Precinct III. The standard-

ized rate in Precinct V, 16.51 per 1,000, is to be compared with that in the northern half of Precinct I, which is 10.71 per 1,000. In other words, eliminating differences due to age distribution, the people in Precinct V have suffered a rate of mortality 54.2 per cent greater than that experienced by the people in the northern half of Precinct III. Furthermore, these differences in the general death rates of the precincts are, for the most part, repeated in the cases of the chief preventable causes. With regard to infant mortality the precinct showings are very much the same as in the case of the general death rate. The northern half of Precinct III and Precinct I have the lowest rates. With regard to tuberculosis the same is true, as may also be said of the contagious diseases of children. Even the so-called degenerative diseases, such as heart disease and Bright's disease, when computed against their appropriate age groups, show the same general phenomena.

In other words, the less prosperous districts have markedly higher general death rates, and markedly higher rates from the chief causes of mortality, a fact which indicates the importance of the economic factor and the need for special effort in disease preventive work in poorer districts. (Page 23.)

Table XV.

Deaths from Tuberculosis Among Residents of Framingham (Residents and Transfers) 1907-1916, by Precincts; with Corresponding Death Rates.

Precinct	Deaths		Population Jan. 1, '12	Death rates per 100,000 Population		Population 20-64 yrs. Jan. 1, '12	Deaths per 100,000 20-64 yrs.
	Tb. of the Lungs	All forms of Tb.		Tb. of the Lungs	All forms of Tb.		Tb. of the Lungs
I	13	17	2027	64.1	83.9	1242	104.7
II	19	21	2084	91.2	100.8	1238	153.5
IIIa	13	14	2211	58.8	63.3	1429	91.0
IIIb	19	26	2457	77.3	105.8	1472	129.1
IV	19	26	2451	77.5	106.1	1444	131.6
V	27	35	2721	99.2	128.6	1605	168.2
Total ...	110	139	13951	78.8	99.6	8430	130.5

(Page 32.)

Table XVI.

Cases of Tuberculosis Reported to the Board of Health, by Year and Precinct, Framingham, 1907-1916.

Year	I	II	IIIa	IIIb	IV	V	Total	Non-Res.	Total
1907.....	No cases reported in this year.								
1908.....	2	0	1	1	1	0	5	1	6
1909.....	3	3	3	2	3	1	15	0	15
1910.....	2	0	3	4	3	3	15	2	17
1911.....	0	0	1	4	6	2	13	1	14
1912.....	2	0	1	9	2	6	20	3	23
1913.....	3	1	1	3	2	6	16	0	16
1914.....	4	2	1	2	2	4	15	0	15
1915.....	3	2	2	1	0	6	14	4	18
1916.....	1	3	1	1	5	9	20	1	21
Total...	20	11	14	27	24	37	133	12	145

Note: Duplicate reports of the same case have been eliminated in making up this table.

(Page 33.)

Illinois. Health Insurance Commission. Report. May 1, 1919.

There is a close relation between low family incomes and sickness and premature death. It has been said, "the fact is, poverty is the greatest problem in public health."[1] This poverty may be due to the disruption of families by the death or desertion of the chief breadwinner, to old age or incapacity, to large families, to unemployment, or to low wages—as it very frequently is. But whatever its cause, in the absence of property to fall back on, it means inadequate food, poor housing, insufficient clothing and poor medical care. It means continuing at work when rest and recuperation are needed. If due to lack of employment, this adds worry, nervous strain and perhaps irregular living.

Numerous investigations have been made of the amount of sickness in relation to family income or wages. All of these investigations have shown that low wages and inadequate incomes are accompanied by an excessive amount of sickness. Of course, the question may be

[1] Quoted from Warren and Sydenstricker, "The Relation of Wages to the Public Health," American Journal of Public Health, December, 1918, p. 883.

raised whether the low wages may not be caused in many cases by poor physical condition attended by frequent illness. The question raised must be answered in the affirmative. Yet, it is true that low wages and inadequate incomes undermine the health of both the worker and his dependents.

As already indicated, the investigations made for this Commission showed that there is an excessive amount of sickness among the families with the smallest incomes relative to the need of income to provide the necessaries of life. Among the wage-earning families best off in this respect disabling sickness occurred in 63.4 per 100; among those less well off, in 73.0 per 100; among those least well off, in 76.0 per 100. These results are confirmed by the findings of other investigators. "Sydenstricker, working in the Pellagra investigations of Goldberger in seven cotton mill villages in South Carolina, kept an accurate record of all of the cases of disabling sickness found among a population of 4,000 in May and June of 1916. A tabulation of these records according to family income showed that among persons of similar sexes, ages and occupations, the sickness rate per 1,000 varied from 18.5 in the highest class to 70.1 in the lowest income class."[1] An excessive number of cases of tuberculosis, anaemia, and poor nutrition were found among the most poorly paid workers in the garment industry of New York.[2] It is stated in the report on Vital Statistics made by the "Framingham Survey," that "the less prosperous districts (of the city) have markedly higher death rates from the chief causes of mortality, a fact which indicates the importance of the economic factor and the need for special effort in disease preventive work in poorer districts."[3]

The reports of the Health Department of the City of Chicago show the greatest prevalence of children's diseases and the highest death rates in the most congested parts of the city and where the number of families with

[1] Warren and Sydenstricker, cited above, p. 887.
[2] U. S. Public Health Service, Public Health Reports, May 26, 1916.
[3] Framingham Health Demonstration, Monograph No. 3, p. 23.

small incomes is relatively large. The most intensive investigation of children's diseases has, however, been made by the Children's Bureau of the Department of Labor. Several investigations have been made, and similar results have been arrived at. The infant mortality rates by fathers' earnings may be quoted from the Baltimore investigations, the largest of the several thus far made.

Inadequate incomes undermine health. Moreover, they may cause persons of immature years and mothers to enter employment. Employees of tender years increase the sickness hazard in industry.[1] (Pages 31-32.)

Special Report I. A Study of Wage-Earning Families in Chicago.

The number and proportion by economic status, of wage-earners sick to their total number is indicated as follows:

Normal economic status	Total number of wage earners	Number sick	Per cent. sick
Class A (the better off families)	2,770	746	26.9
Class B (families with meager incomes)	937	273	29.1
Class C (families with deficient incomes)	373	139	37.3
Class D (families with incomes not reported in full)	215	36	16.7
Class O (families "on own account")	160	27	16.9
Class R (families "retired")	19	1	5.3
Total	4,474	1,222	27.3

According to these figures, the proportion of wage-earners sick increased with descent in the scale of

[1] See Hayhurst Industrial Health Hazards and Occupational Diseases in Ohio p. 8, *et seq.*

economic condition. The proportion of wage-earners sick in Class C was over one-third larger than in Class A. (Page 204.) (See page 194.)

U. S. Public Health Service. Disabling Sickness Among the Population of Seven Cotton-Mill Villages of South Carolina in Relation to Family Income. EDGAR SYDENSTRICKER, *Public Health Statistician,* G. A. WHEELER, *Assistant Surgeon, and* JOSEPH GOLDBERGER, *Surgeon, United States Public Health Service. Reprint No. 492 from the Public Health Reports, November 22, 1918-1919.*

I. Introduction.

In connection with the study of the relation of dietary, economic, and other conditions to pellagra incidence in seven cotton-mill villages of South Carolina in 1916,* a census of disabling sickness among the population was made during May and June, 1916. Statements were also obtained by the enumerators as to the number of days lost from work by wage-earning persons on account of disability and from other causes during the period from January 1, 1916, to the date of inquiry.

These data have been correlated with certain facts concerning the economic status of mill workers' families as ascertained by the same study, and the results are presented in the following pages.

The study covered 747 households, which, at the date of the census, were composed of 4,161 individuals. Only households of white cotton-mill workers (operatives) were included. The villages are situated in the northwestern part of South Carolina. Each had a population of between 500 and 800 persons, and each constituted a separate and distinct industrial community in which practically the only opportunity for employment was in the cotton mill. The villages may be regarded as generally typical of cotton-mill communities in that section of South Carolina,

* Goldberger, J., Wheeler, G. A., and Sydenstricker, E.: A study of the Diet of Nonpellagrous and of Pellagrous Households in Textile Mill Communities in 1916. Journal American Medical Association, Sept. 21, 1918 (71:944-949).

from the standpoints both of community conditions affecting health and of the economic status of the population. While the morbidity experience afforded by this study is not extensive and caution should be exercised in drawing broad conclusions, the data are presented for the reason that the results seem definite enough to be suggestive of the value of considering differences in family income along with other conditions, in analyzing differences in disability incidence.

The bases and method of the census and of the classification of the population according to family income are first briefly explained. The tabulations then follow. (Page 3.)

II. Method of Census.

Experienced enumerators visited each mill worker's household in the seven mill villages on a date between May 1 and June 30, 1916, and secured, among other data, facts as to the sex, age, occupation, earnings, and regularity of employment of each individual member of the household and as to the income of the family as a whole. Such individuals as were found to be unable to work on account of sickness or accident at the time of the visit were noted and the length of such disability up to the date of inquiry was ascertained. (Page 4.)

III. Classification of the Population According to Income.

In classifying the population of the seven cotton-mill villages according to their economic status, family income was used as the basis. Practically all (89 per cent.) of the individuals composing the population were members of families who subsisted from family income. The small proportion not subsisting from family income were boarders in the families studied, and may be regarded as living under almost the same conditions as the members of the families with which they boarded. The total population considered thus has been classified according to the income of the families of which they were members or with which they boarded.

1. *Data.* . . . It was believed, however, after trial tabulations of the results, that family income during the half month preceding the week in which the enumerator's visit was made would be a fairly accurate and representative indication of family income during the general period under special consideration (the late spring of 1916). (Page 5.)

The basis for classifying families with respect to income, therefore, strictly was the total money income of each family during a 15-day period in May or June, 1916, thus affording a cross-section view of the economic status of the population. (Page 6.)

2. *Method.* . . . Since family income, for the purpose of this study, was used as an index of the economic status of the individuals who composed the family group, it was necessary to take into consideration the number of such individuals in comparing one family with another. A per capita statement of income, however, while more accurate than the statement of total income, was subject to the inaccuracy arising from differences in the age and sex of the members of the families to be compared. It appeared advisable, therefore, to employ a common denominator to which could be reduced the individuals of both sexes and of all ages in order to afford a more nearly representative method of expression of the relative size of the families to be compared. In the absence of a better common denominator for this purpose, the Atwater scale of basal food requirements was employed, and the size of each family was computed according to this scale and expressed in terms of "adult male units."* The assumption in the use of this scale was that the expenditures for individuals varied according to sex and age in the same proportion as their basal food requirements. (Pages 6-7.)

For preliminary purposes, therefore, the total income of each family, as defined above, has been divided by the number of "adult male units" subsisting on the family income, and the resulting figure has been termed the "family income per adult male unit." (Page 8.)

* Principles of Nutrition and Nutritive Value of Food, by W. O. Atwater: U. S. Department of Agriculture, Farmers' Bulletin No. 142 (1915 ed.), p. 33.

IV. Disability Incidence According to Income.

Upon the foregoing basis of income classification the sickness rate among persons who were members of households with low incomes was found to be markedly higher than among persons with a more favorable economic status. This condition was found to prevail not only among wage-earning persons, but also among non-wage-earning persons. The data are given in Table III and the rates are plotted in Figure I.

Table III.—Cases of Disabling Sickness and Rate per 1,000 Persons, as Ascertained by a Census of Seven Cotton-mill Villages of South Carolina during May and June, 1916, Classified According to Family Income.

All Persons.

Half-month family income per adult male unit*	Number of persons considered	Sick Persons** Number	Sick Persons** Per 1,000 persons considered
Less than $6	1,312	92	70.1
$6 to $7.99	1,038	50	48.2
$8 to $9.99	784	27	34.4
$10 and over	1,027	19	18.5
All incomes	4,161	188	45.2

Wage-Earning Persons.

Half-month family income per adult male unit	Number of persons considered	Sick Persons Number	Sick Persons Per 1,000 persons considered
Less than $6	450	36	80.0
$6 to $7.99	426	22	51.6
$8 to $9.99	426	8	18.8
$10 and over	538	8	14.9
All incomes	1,840	74	40.2

* According to the Atwater scale of basal food requirements.
** Exclusive of disability due to confinement.

Non-Wage-Earning Persons.

Half-month family income per adult male unit	Number of persons considered	Sick Persons	
		Number	Per 1,000 persons considered
Less than $6	862	56	65.0
$6 to $7.99	612	28	45.8
$8 to $9.99	358	19	53.1
$10 and over	489	11	22.5
All incomes	2,321	114	49.1

The results of the sickness census are corroborated, as far as wage-earning persons are concerned, by the records of working days lost on account of disability during the period January to May, 1916. These records are presented in brief form in Table IV.*

Table IV.—Number and Per Cent of Total Possible Working Days Lost from all Causes and from Disability by Wage-Earning Members of Families in Seven Cotton-mill Villages of South Carolina during January-May, 1916, the Wage Earners Being Classified According to Family Income.

Half month family income per adult male unit	Average number of wage-earning persons per month	Total number of possible working days	Days not at work From all causes: Number of days	From all causes: Per cent. of total possible working days	From disability: Number of days	From disability: Per cent. of total possible working days	Per cent. of total days not at work, lost on account of disability
Less than $6	395	49,753	7,786	15.5	2,938	5.9	38.0
$6 to $7.99	349	44,948	4,631	10.3	1,611	3.6	34.7
$8 to $9.99	306	39,191	3,114	7.9	1,005	2.6	32.3
$10 and over	491	50,026	5,326	10.6	1,153	2.3	21.6
All incomes	1,541	183,918	20,807	11.3	6,707	3.6	32.2

* It will be noted that the percentages of working days lost on account of disability during the five-months' period (Table IV) appear to be lower in most instances than the percentages of wage earners actually found to be incapacitated on the date of inquiry (Table III). When the percentages of working days lost on account of disability were compared for months, it was also seen that the rate of disability was somewhat higher in May than in preceding months. This higher rate, as shown by the census in May-June and by percentages of working days lost, was probably due in part to the fact that instances of short illnesses prior to the date of inquiry were not recalled by the informants. In view of the relatively high rate of pellagra prevalence in May and June, however, it appears proper to suggest that a higher rate of disability in May and June probably actually occurred, partly, at least, because of pellagra.

It is of interest to compare the sick rate per 1,000 persons of different family incomes in these cotton-mill villages with that found in other sickness censuses. The sick rate per 1,000 persons (only sickness involving inability to work being considered) as ascertained by a number of community-sickness surveys conducted in various localities in the United States by the Metropolitan Life Insurance Co. was found to be 18.8 for 579,197 persons of all ages.*

If this rate of 18.8 may be considered as a normal one, the suggestion is afforded that in these South Carolina mill villages the normal sick rate was approximated only among those persons who were members of families with half-month income per adult male unit of $10** and over, and that in families with incomes lower than this level the sickness rate was markedly higher. (Pages 9-11.)

In practically every age period for either sex the sick rate was distinctly greater in families of low incomes than in families with incomes above the average. (Pages 12-13.)

Conclusions.

While extreme caution should be exercised in drawing broad conclusions from so small an amount of data, the experience derived from the census of sickness and from the records of working days lost on account of sickness in the seven cotton-mill villages studied appears to suggest the following:

1. A higher sickness (involving inability to work) rate and a greater amount of working time lost on account of

* See Appendix B: Combined Sickness Experience of the Company's Surveys, 1915 to 1917, of the Metropolitan Life Insurance Co.'s publication, "Sickness Survey of Principal Cities in Pennsylvania and West Virginia," by Lee K. Frankel, Ph.D., third vice-president, and Louis I. Dublin, Ph.D., statistician. The "combined sickness experience" referred to included the results of sickness surveys made in localities in Pennsylvania, West Virginia and North Carolina, Kansas City (Mo.), Boston, Rochester, Trenton and Chelsea (New York City).

** Expressed in terms of gross annual family income this would be approximately $800 for a "normal" family of 3.3 adult male units (man, wife, and 3 children under 14 years of age). To render this figure comparable to family income statistics for typical communities elsewhere in the United States, an addition should be made for higher rent expenditures since the rent cost for cotton mill families in the villages studied was relatively very low. Allowing for an expenditure for rent similar to that for families of this income in other localties, as shown by various studies of workingmen's family budgets, the equivalent annual income would be approximately $900 or over.

such sickness were found among members of families whose incomes were low than among members of families with a more favorable economic status. This condition appeared for persons of either sex and of similar ages. Only when a family income approximated $10 per half month per adult male unit (or about $900 a year for a family of "normal" size in 1916) did the sickness rate appear to be as low as that suggested by similar censuses in a number of localities in the United States as the normal rate.

2. Low economic status appeared to be a more striking concomitant of high sickness rate among females than employment in millwork.

3. A greater proportion of disabling illness, of relatively long duration, appeared among persons whose family income was below the average than among persons with a more favorable economic status.

To what extent low family income was a cause of higher sickness rate and to what extent it was an effect of disability (and thus of inability to increase income) can not, of course, be determined from these data. The condition, however, is manifest that a greater amount of disabling sickness existed among persons who were living among less favorable economic conditions than among persons whose economic status was more favorable—a condition which has been pointed out by previous observations in the literature on the social aspects of ill health and indicated by several recent studies.* The data here presented afford additional ground for the suggestion that in the analysis of morbidity facts the factor of economic status should be given proper emphasis. (Page 16.)

* Footnote omitted here.

U. S. Public Health Service. Health of Garment Workers. The Relation of Economic Status to Health. B. S. WARREN, *Surgeon, and* EDGAR SYDENSTRICKER, *Public Health Statistician, United States Public Health Service. With Introduction by* J. W. SCHEREschewsky, *Surgeon, United States Public Health Service. Reprint No. 341, Public Health Reports. May 26, 1916.*

Introduction.

During the summer of 1914 the condition of the health of garment workers in the women's garment trades in New York City was investigated by the Public Health Service at the solicitation of the joint board of sanitary control of these trades. Part of the investigation consisted of careful physical examination of some 3,000 garment workers—2,000 males and 1,000 females. This examination involved the collection of a large mass of data consisting not only of bodily measurements and facts as to the physical status, but also of other data of a social or economic character. In the report of this investigation, published as Public Health Bulletin No. 71, the data collected were tabulated with a view to bringing out the chief points of interest relative to the state of health of such workers. Because, however, of the self-evident relation between the economic status of the worker and his condition of health, these data might furnish interesting facts if tabulated from this standpoint.

In the following paper by Surg. B. S. Warren and Public Health Statistician Edgar Sydenstricker, the data collected in this investigation have been submitted to such an analysis, with convincing results. As remarked by these writers, while it is well understood that poverty and ill health go hand in hand, data showing this objectively are rare in the literature. The publication of additional data of this character must, therefore, always be regarded as a distinct contribution to the foundations for improving the physical welfare of man. (Page 3.)

Health of Garment Workers in Relation to Their Economic Status.

. . . In the following pages are briefly presented (1) A classification of male married garment workers according to annual earnings on the basis of the adequacy of annual earnings to afford incomes sufficient for the maintenance of families under healthful living conditions; (2) Certain data on the child mortality in the families of these workers and on the physical status of the workers themselves according to income groups; and (3) Data indicating the degree of the regularity of their employment according to income groups. (Page 4.)

Health of Garment Workers According to Income.

Using the foregoing classification according to income —the highest income group including those with what might be considered an adequate family income and the lowest groups including those with income plainly inadequate for maintaining healthful conditions of living—the data relative to child mortality and physical status of the heads of the families are briefly summarized in the following paragraphs:

Child Mortality.—The mortality rate of children in the lowest and highest income groups showed the following variations:

Annual earnings of heads of families	Total number of children	Average number children born per family	Average number children living per family	Average number children dead per family	Per cent. of mortality among children
Under $500	1,434	3.78	2.99	0.78	20.69
$500-$699	1,961	3.34	2.78	.56	16.72
$700 and over	1,270	2.75	2.43	.32	11.65

As these statistics show, the per cent. of mortality of children in the group where heads of families earned less than $500 a year was 82 per cent. greater than, or nearly twice as high as, the percent of mortality of children in the group where the family heads earned $700 or more a year.

These data indicate the same general variations in child mortality among families of different incomes as those shown by some other recent investigations.*

Nutrition of Garment Workers.—The percentage of male married garment workers in a state of poor nutrition showed wide variations in the three income groups. Approximately twice as great a proportion were poorly nourished in the group earning less than $500 a year as in the group earning $700 or more a year, as shown in the following tabulation:

Annual earnings of family heads	Total Number	Per cent. classed as "poor" in nutrition†
Under $500	372	25.00
$500-$699	566	15.02
$700 and over	456	12.72

Anemia.—Determinations of the percentage of hemoglobin of each garment worker showed marked differences among the individuals in the three income groups. Those showing hemoglobin percentages below 80 were classed as anemic, the Talquist scale being used in making the determinations. The proportion of individuals having hemoglobin percentages under 80 was over twice as high

*An investigation of infant mortality by the Federal Children's Bureau in Johnstown, Pa., showed that in families where the father earned less than $521 a year, or less than $10 a week, the infant mortality rate was 255.7 as contrasted with 134.7 for the community as a whole, and 101.4 in families where the father earned $900 or more a year. (Infant Mortality—Results of a Field Study in Johnstown, Pa., p. 45.) In a similar investigation in Montclair, N. J., the children's bureau found that the infant mortality rate in families where the income was less than $12 a week was more than twice as high as in families where the income was $23 or more a week. Both of these investigations were of births (excluding stillborn) among families of all incomes in the localities during a year. A study of infant mortality in Fall River, Mass., in 1913, showed that a much higher rate was prevalent among families of low-paid textile workers than in other families (L. I. Dublin: Infant Mortality in Fall River, Mass. American Statistical Association Publications, XIV: 505-520). A study of mortality in Birmingham, England, by Robertson, showed that in families where the father earned less than a pound a week the infant mortality was 196 in 1910 and 211 in 1909 as contrasted with 127 in 1910 and 146 in 1909 in families where the father earned a pound or more a week. (John Robertson, M.D., B.Sc.: Infant Mortality in Relation to Factory Labor, Transactions of the Fifteenth International Congress on Hygiene and Demography, Washington, 1912, Vol. III, Part II, p. 950.)

†While the personal equation of the examiner is undoubtedly a factor in the classification of an individual as to his state of development and nutrition, nevertheless such observations are of value. (Schereschewsky: sup. cit. p. 37.)

in the group earning less than $500 a year as in the group earning $700 or more a year. It is interesting to note that not only was the proportion of anemic individuals greatest in the lowest income group, but the average hemoglobin percentage was lowest in that group. The results of the tabulations on the basis of income are presented below:

Annual earnings of family heads	Total number	Average hemoglobin index—Talquist	Per cent. with hemoglobin index under 80
Under $500	372	85.94	9.94
$500-$699	566	86.99	5.65
$700 and over	456	87.35	4.42

Prevalence of Tuberculosis.—The proportion of tuberculous individuals among the garment workers who were heads of families showed extremely wide variations when the highest and lowest income groups were compared. The following tabulation exhibits this comparison:

Annual earnings of family heads	Total number	Per cent. of family heads tuberculous
Under $500	372	5.64
$500-$699	566	5.30
$700 and over	456	.44

The significance of this wide difference is further seen when the tuberculosis rate in the lowest income group is compared with the average rate found among large numbers of wage earners, without regard to income. The rate for all male garment workers, including the single as well as the married, who were examined, was 3.11.[1] The examination of about 20,000 workers in varied industries in Cincinnati by Robinson showed a tuberculosis rate of 1.1 per cent.[2] The rate of 5.64 per cent. in the lowest income group is much higher than the rate found in

[1] Schereschewsky: sup. cit. p. 94.
[2] U. S. Public Health Service Bulletin, No. 73, p. 58.

several other physical examinations of large numbers of wage earners.[1]

Irregularity of Employment.

No discussion of the relation of economic conditions to the wage-worker's health in the garment industry should leave out of consideration the great irregularity of employment.

As a recent investigation of the regularity of employment in this industry has shown,[2] the year is made up of two busy seasons and two dull seasons, each lasting from 12 to 14 weeks. Thus for about one-half of the year there is a serious lack of employment for the workers in the industry. The economic significance to the worker of this seasonal irregularity is seen in the facts that nearly one-half of the workers are without opportunity for employment in the industry in the dullest seasons, and that less than 18 per cent. of them are regularly employed throughout the year. It is evident, therefore, that the competition among workers in this industry is great and that a process of selection of those who work more regularly than others is continually in progress. How far efficiency, as measured by physical condition of the worker, plays a part can not, of course, be definitely stated. Nor can it be determined with any degree of exactness whether inefficiency is more of a cause than an effect of the unemployment of any individual worker. The fact, however, is not without significance that the workers in the lowest income group were at the same time in poorer physical condition and were less regularly employed than the workers in the higher income groups.

[1] Examinations by Dr. George M. Price, director of the New York State Factory Investigating Commission, showed the following tuberculosis rates: 800 bakers, 2.4 per cent.; 800 tailors, 1.6 per cent.; 600 tobacco workers, 1.6 per cent. (George M. Price, M.D.: Occupational Diseases and the Physical Examination of Workers, Transactions of the Fifteenth International Congress on Hygiene and Demography, Washington, 1912, Vol. III, Pt. II, p. 847.) Examinations of over 7,000 employees of the Sears, Roebuck Co., in Chicago, by Dr. H. E. Mock, during a period of five years, showed a tuberculosis rate of 4 per cent. (H. E. Mock, M.D.: An Efficient System of Medical Examination of Employees, Transactions of the Tenth Annual Meeting of the National Association for the Study and Prevention of Tuberculosis, Washington, D. C., 1914, p. 44.) All of the rates quoted above are without regard to income of the workers.

[2] U. S. Bureau of Labor Statistics: Bulletin 147, Wages and Regularity of Employment in the Cloak, Suit and Skirt Industry. See pages 7-48 for data relating to the industry in New York City.

The regularity of employment of the workers in each of the three income groups is suggested by comparing their full-time weekly earnings when at work with their actual annual earnings.*

This comparison is shown in the following table:

Annual earnings of family heads	Average rate of weekly earnings	Average actual annual earnings	Per cent. of maximum possible annual earnings actually received
Under $500	$19	$381	38
$500 to $699	23	577	48
$700 and over	27	866	61

It is thus seen that the average worker in the lowest income group received only 38 per cent. of what he could have earned had he been able to secure employment for every week in the year at his usual full-time weekly wage. This is in sharp contrast to the 61 per cent. received by the average worker in the highest income group.

The situation is clearly suggested, therefore, that the greatest number of poorly nourished, anemic, tuberculous workers in an extremely seasonal industry were in that group composed of the lowest paid and the least regularly employed. (Pages 7-10.)

Principles of Economics. EDWIN R. A. SELIGMAN, *LL.D., Professor of Political Economy, Columbia University. Ninth Edition, Revised. New York and London, Longmans, Green and Co., 1921.*

The unfortunate individuals within the poverty line are wretchedly housed, inadequately clothed and underfed. The results show themselves directly in the far higher average death rate, the greatly increased infant mortality, and the marked inferiority in height, weight and general

* If the rate of weekly earnings is multiplied by 52, the maximum possible annual earnings is obtained for comparison. Thus in the group of those actually earning less than $500, the average weekly income multiplied by 52 would make $988; in the group of those actually earning between $500 and $699 it would make $1,196, and in the group actually earning 700 or more, it would make $1,404.

physical condition. Of the indirect influences on industrial efficiency, on national character and on moral development it is not necessary to speak. (Page 677.)

While detailed figures are still lacking, no one who is conversant with social conditions in large American cities can doubt that if in prosperous England over a quarter of the urban population is below the poverty line, and another large part scarcely above it, the situation is not fundamentally different in the industrial portions of America. It is true that only one-third of the population live in cities as against two-thirds in England, and it is indisputable that the American standard of life is higher. But whether it is thirty per cent. or only fifteen per cent. of the American urban population that is submerged below the poverty line, the fact that in our much vaunted modern civilization there should be millions of human beings who do not possess an income adequate for bare physical efficiency is sufficiently appalling. (Page 678.)

The Causes of Poverty.

In Rowntree's careful investigation it was found that where the family earnings (all of them expended on the bare necessaries of life, and not including other useful or wasteful expense) were insufficient for mere physical efficiency, the immediate causes were as follows: death of chief wage-earner, 15.63 per cent; illness or old age of chief wage-earner, 5.11 per cent.; irregularity of work, 5.14 per cent.; size of family, 22.15 per cent.; regular but insufficient wages, 51.96 per cent.

The startling fact, however, is that, even with an average family and regular work, over one-half of those living in poverty at any moment are reduced to that state simply because, notwithstanding the exercise of thrift, sobriety and care, the income is inadequate for support. (Pages 679, 680, 681.)

An Introduction to the Study of Labor Problems. GORDON S. WATKINS, *Associate Professor of Economics, University of Illinois. New York, Crowell, 1922.*

Inadequate incomes make it impossible for the working classes to enjoy desirable conditions of housing, proper and sufficient food and clothing, efficient medical and dental care, and necessary periods of rest and recreation. This necessitous condition, together with the industrial employment of mothers, accidents, diseases, and fatigue resulting from employment, accounts for the excessive rates of morbidity and mortality among low-income groups. It has been said that as we ascend the social scale the span of life lengthens and the death rate diminishes gradually, the death rate of the poorest class of workers being three and one-half times that of the well-to-do. A French economist makes practically the same observation when he states that the average life is three times as long in the rich classes as in the poor; so that, by a cruel irony of fate, the smaller the share of wealth which falls to a man, the greater tribute he pays to illness, death, and crime.* In Glasgow, Scotland, the death rate of occupants of one and two room cottages was 25.7 per thousand, and among those occupying houses of five or more rooms the death rate was only 11.2 per thousand.

One-third of all American school children of pre-school and school age are said to be malnourished, and from 20 to 40 per cent. of those graduating from elementary schools are physically unfit; three-fourths of the 22,000,000 school children in this country have health defects that injure them as prospective citizens, and at least 4,500,000 are suffering from malnutrition. It is estimated that among children with health defects there are 5,000,000 with defective eyes and from 11,000,000 to 16,000,000 with defective teeth. It has been found that while the food required by a child in a Philadelphia working-class family during the first sixteen years of life would cost $1,750, the family was actually able to expend only $718, or approximately 41 per cent. of what should have been spent

* Charles Gide, Political Economy, pp. 452, 453.

to guarantee the minimum requirements of health and decency.* Ignorance as well as poverty accounts for a good deal of unhygienic living, but there is an irreducible minimum of income below which it is impossible to provide adequate and proper diet. Moreover, it should be remembered that ignorance itself is often a product of poverty. (Pages 63-65.)

Social well-being is inextricably related to income, and those whose incomes are lowest must pay severe penalties in malnutrition, disease and death. Except in the case of the highly skilled and well-organized wage-earning groups the income of industrial workers is not adequate to guarantee the necessary protection of minimum standards of health, comfort, and decency. This will be found especially true in the case of wage-earning women and children, whose earnings are discussed in later chapters. (Page 67.)

Public Health and Insurance. Sir Arthur Newsholme, *K. C. B., M. D., F. R. C. P., Lecturer on Public Health Administration at the School of Hygiene and Public Health, Johns Hopkins University, Baltimore, Maryland; Late Principal Medical Officer of the Local Government Board, England. Baltimore, The Johns Hopkins Press, 1920.*

The problems of industrialism in relation to health cannot be adequately discussed apart from a consideration of the remuneration for work, which necessarily depends on the power of the worker to strike a satisfactory bargain with his employer, and the extent to which he can ensure regular employment. If these conditions cannot be fulfilled, or if the breadwinner is dead or disabled, poverty results, using this word here in the sense of inability to provide for the personal and family essentials of health. (Page 162.)

* Standards of Child Welfare, U. S. Children's Bureau, Publication No. 60, pp. 238, 248, 250. See also pp. 26-30.

Poverty and Social Progress. MAURICE PARMELEE, *Ph. D., New York, Macmillan, 1916.*

The significance of low wage and income rates for a large part of the population, as giving rise to poverty and its attendant evils, will become more apparent in the next two chapters as we discuss the standard of living in its relation to the extent of poverty. (Page 83.)

. . . We have seen that the number of paupers may include as much as one per cent., but that the number of those receiving charitable aid probably includes from five to ten per cent. of the total population. The number of the poor, namely, those who are in more or less imminent danger of becoming pauperized and whose incomes are not sufficiently large to maintain the standard of living we have discussed, doubtless is much greater. Our wage statistics have shown that a large part of the wage-earning families must be in poverty and in some cases in pauperism, except when the earnings of the head of the family are supplemented by the earnings of other members of the family. We have seen that in all probability many of the working-class are in a state of poverty during certain periods of their lives. We know that at a time of industrial depression the number of the poor and of the paupers increases greatly, owing to the increase in unemployment, under-employment, and under-payment. (Pages 104-105.)

So that while we may not arrive at any definite estimate of the extent of poverty in this country, we have plenty of evidence that the number of those who do not even reach the lower minimum standard of living is very great, probably exceeding ten per cent. of the total population. It goes without saying that those who fail to reach the higher standard of living which we have discussed, which furnishes the material basis for some mental and cultural development, form a very much greater proportion of the population, but it is still more difficult to estimate the exact number. (Pages 105-106.)

However, it must be remembered that there is danger in exaggerating the extent to which poverty and pauper-

ism are due to disease. We have already cited in an earlier chapter an opinion from a writer on this subject in which there may have been such exaggeration, and the same may be true of the following passage: "We are apt to forget that, in all countries, at all ages, it is sickness to which the greatest bulk of destitution is immediately due."* The word "immediately" may save this statement from error, for without this word it would certainly be wrong. This is evident when we consider the extent to which poverty and dependency are caused by low wages and unemployment. As a matter of fact, defectiveness and disease are to a large extent due to a pre-existing state of poverty, but then react upon that poverty so as to stimulate its increase to a considerable degree. (Page 300.)

Great Britain. Ministry of Munitions. Health of Munition Workers Committee. Interim Report. Industrial Efficiency and Fatigue. Part II. Medical Studies. London, 1917.

Medical Studies.

1. Report on the Health and Physical Condition of Male Munition Workers.

15. *Wages.*—For the most part I found that wages were adequate to provide good food for the workers, and in this direction the general rise in wages has been beneficial. Many of the small boys dwelt on this subject at great length, informing me that since they have gone into the munition factories and taken home good wages they had been much better fed. In some cases, however, the wages earned were certainly not sufficient to furnish satisfactory home conditions for the workers and their families, and in others, though high wages were earned, often by several members of the family, the overcrowding at home was considerable. It is hardly my province to discuss further this most controversial and complex subject of wages, though in all its ramifications it has

* S. and B. Webb, *The Prevention of Destitution*, London, 1911, p. 15.

clear bearings of an indirect kind on the health of workers. (Page 104.)

Great Britain. Ministry of Munitions. Health of Munition Workers Committee. Final Report. Industrial Health and Efficiency. London, 1918. Appendix B (II). General Findings of Inquiries into the Health of Women Munition Workers. Janet M. Campbell, *M.D., M. S.*

Nutrition.

Women are now beginning to realise that a heavy day's work in a factory under discipline and in touch with the rhythm of machinery requires a better and more substantial dietary than miscellaneous work at home. Most working women have never acquired the habit of taking solid and regular meals, partly because when food is not abundant the woman goes short rather than the man, partly because women as a whole have never commanded sufficiently good wages to enable them to purchase adequate food as well as the various other articles, necessities or luxuries, which they also desire. The bread and butter and tea dietary is practically a thing of the past as far as munition workers are concerned, though the evidence from one factory visited indicates clearly the disadvantages to health of unsuitable food. This is due to the higher wages which allow better food to be bought, to the increased appetite and desire for solid food following upon regular work under fairly good conditions of hygiene, and to the growing taste for the substantial middle-day meal in place of sandwiches brought from home and supplemented by sweets, pastry, tinned pine-apple, etc., from the canteen. The increase in the number of well-equipped and managed canteens, and the daily object lesson of cheap, appetising meals, nicely served, are gradually promoting a habit of eating well which has undoubtedly saved many women from unnecessary fatigue and physical disability or breakdown. (Page 146.)

The Importance of Welfare Work.

. . . Women have become so accustomed to work for low wages and under bad conditions that they are only beginning to learn what is needful for their physical and mental health. (Page 147.)

Fatigue.

. . . Thus it is clear that the amount of fatigue revealed by the Inquiry is less, and possibly much less, in amount and degree than the actual fatigue experienced by the workers as a whole. On the other hand, there are various reasons why the fatigue should not be so great as might be anticipated from a mere recital of hours and processes. For example:

(c) The higher wages obtained are in themselves an incentive to good and regular work, but they have important secondary results in that they lead to a higher standard of living, better food and clothing, and so to improved nutrition and a greater power of resistance to fatigue and disease. (Page 148.)

Factories No. 7 and 8 (near London) fall into another category. . . . The workers, on the other hand, were markedly ill-nourished and of poor physique. In both these cases the workers are drawn from a small town and rural district where low wages have always been the rule, and the people are habituated to an inadequate dietary. (Page 149.)

National Health Insurance. Medical Research Committee. Special Report Series, No. 22. An Inquiry into the Prevalence and Aetiology of Tuberculosis Among Industrial Workers, with Special Reference to Female Munition Workers. London, 1919.

Part I. Occupational Mortality Among Males.

Industrial Status. Under this heading we have to record the fact that occupations making equal demands

upon the physique (and, perhaps, mental powers) are not equally well remunerated. . . . Since the higher the remuneration of the employed person the greater his opportunities of securing an hygienic home environment, it follows that status must powerfully bias the mortality or morbidity rate of any occupation. (Page 6.)

Great Britain. Ministry of Health. On the State of the Public Health. Report of the Chief Medical Officer for the Year 1920. London, 1921.

144. These returns since 1847 are, however, full of encouragement. They witness to the gradual conquest of a disease [tuberculosis]. With the exception of the war period there has been no going back. Making all reasonable allowances for changes in death certification, there has been on the whole a steady and substantial decline from 1850 to the present year, in spite of progressive urbanisation. . . . Higher wages and cheap bread, better homes and a more sanitary environment, reform in the factory system and shorter hours of work, these things associated with education and wider knowledge can have but one result in the long run. (Page 81.)

Great Britain. Ministry of Health. On the State of the Public Health. Report of the Chief Medical Officer for the Year 1921. London, 1922.

It is difficult to say whether or not this check in the decline in the mortality from pulmonary tuberculosis was due to a large extent to unemployment during 1920. The close association of poverty or lack of adequate nutrition with a tendency to higher tuberculosis death rates is increasingly evident.

125. Further statistics illustrating this association have recently become available. In Germany the tuberculosis death rate increased from 1914 onwards until in 1916 it was double the pre-war rate and still higher in 1917. In 1918 there were 40,000 more deaths in Germany from tuberculosis than in 1913. A decline began in the

latter part of 1918 and continued in 1919, the fall being attributed to improvement in the food supply. In Poland tuberculosis was declining up to 1914. After the outbreak of war it rapidly increased. In 1916 the death roll from this cause was stated to be "staggering." In 1917 in Warsaw four out of every 100 were said to have died from this cause, which accounted for a quarter of the certified deaths. The number of tuberculous children increased in even larger proportion than adults, until in 1917, 60 per cent. of the child mortality was ascribed to tuberculosis. . . . At the end of the war the mortality curve took an abrupt turn downwards. The mortality decreased from the day of the departure of the German army and the cancelling of the rigorous food requisition which had been in force during the German occupation. The decrease continued in 1919, and in 1920 the death rate reached approximately the same level as in 1914. (Pages 62-63.)

Canada. Labour Gazette. December, 1921.

The Board of Health of Hamilton, Ontario, has gone on record as favoring the minimum wage for the various trades, the Medical Officer of Health having presented a report in which he traced the considerable amount of sickness and disease prevailing in the city to the inability of the poorer families to buy the necessaries of life. (Page 442.)

(b) On the Next Generation.

THE EFFECT OF POVERTY ON INFANTS

Health is the foundation of the state. It is a matter of common knowledge, universally accepted, that when the health of women has been injured in industrial work, not only is the working efficiency of the community impaired, but the deterioration is handed down to succeeding generations. The health of the race is conditioned upon preserving the health of women, the future mothers of the Republic.

No better gauge of the effects of inadequate wages upon the health of the next generation exists than the rate of infant mortality in different communities. The investigations of the Federal Children's Bureau show that the infant mortality rate rises or falls almost pari passu with an increase or decrease in the family income.

U. S. Department of Labor. Children's Bureau. Annual Report of the Chief. 1917.

Infant Mortality Inquiry.

The infant mortality inquiry was the first field investigation of infant welfare undertaken by the bureau. It was begun in 1913 during the first year of the bureau's existence, and was designed to continue over a considerable number of years. The approach and method were in large measure new. It did not attempt a medical discussion of causes of death; it was planned rather to show the economic, civic, and family conditions surrounding infants in a series of typical communities. Most of the localities chosen for study have been industrial cities with a high infant mortality rate.

Cities are selected in which births are registered, and the babies born in the given year are studied so as to learn the circumstances under which each child has lived or died during the 12 months following his birth. (Page 12.)

Field studies have been completed in eight cities ranging in population from 21,550 to 96,652, according to the census of 1910 and differing widely in characteristics. The cities embrace a choice residential suburb and towns in which the chief industries are steel, textiles, shoes, metals, and rubber: Johnstown, Pa., Montclair, N. J., Manchester, N. H., Brockton, Mass., Saginaw, Mich., New Bedford, Mass., Waterbury, Conn., and Akron, Ohio. (Page 13.)

Infant Mortality and Father's Earnings.

Because of the advance in living cost at the present time the relation of income to infant mortality is of particular importance. In these studies the earnings of the father have been taken as the income basis and the infant mortality calculated for successive income groups based on father's earnings. Each report shows approximately the amounts contributed by the mothers to the family income. The rise of the infant death rate when the mothers of young babies leave home to work is shown also, and this fact gives an added justification for considering the father's earnings the index of the family well being.

Certain combined results for the eight cities are given herewith for the first time. It must be borne in mind that the rates given in the Children's Bureau infant mortality reports are more conservative than those of the census reports, because of certain exclusions made for increased precision in case study. These figures are averages inevitably concealing far greater variations of death and survival than they show.

The distribution of births and deaths in income groups shows that more than one-fourth, or 25.8 per cent., of all the fathers earned less than $550 a year; and the death rate for their babies was 162.5, or 1 in every 6. Only about one-eighth, or 13.1 per cent. of all the fathers earned $1,250 or more, and the death rate for their babies was 62.5, or 1 in 16.

The following table represents the infant mortality rates as related to father's earnings. The combined figures for the eight cities show that the mortality under 1 year of age among children born into families with incomes of $1,250 or over is less than two-fifths that of children whose fathers earn less than $550 a year.

Infant Mortality Rates By Father's Earnings.

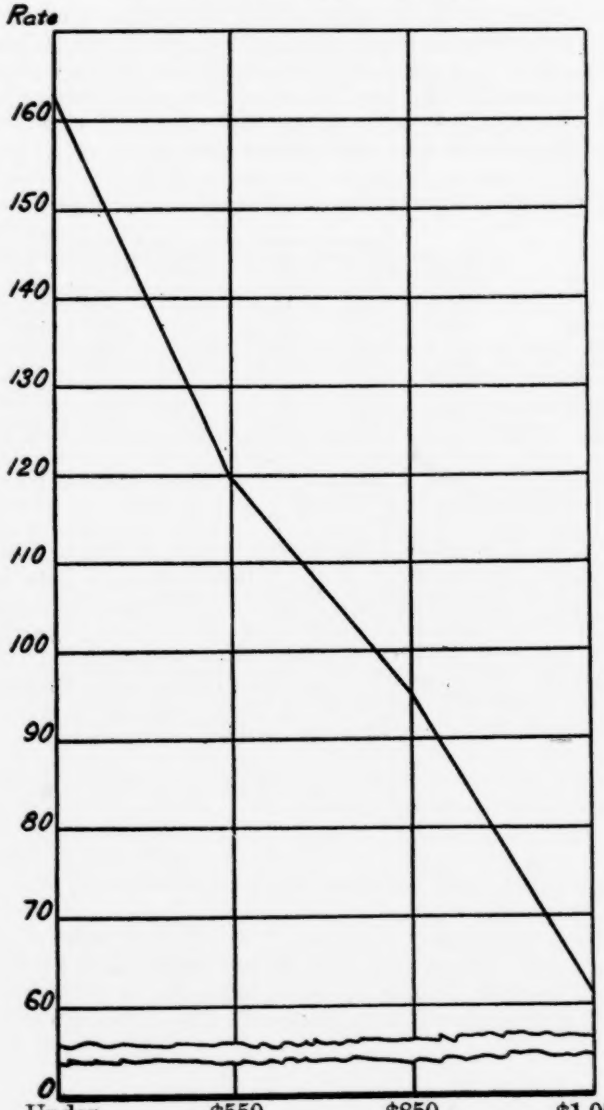
City	Deaths of infants under 1 year of age per 1,000 births, by specified annual earnings of father					
	Under $550	$550 to $849	$850 to $1,049	$1,050 and over	$1,250 and over	All earnings
Johnston	260.9	127.2	114.3	83.0	87.6	130.7
Manchester	204.2	167.4	125.0	63.2	58.3	165.0
Brockton	67.1	121.9	83.1	65.5	73.5	96.7
Saginaw	114.9	98.3	50.0	24.5	16.3	76.2
New Bedford	168.7	105.1	134.7	59.8	59.9	130.3
Waterbury	151.1	128.1	85.8	77.2	68.4	122.7
Akron	117.5	99.2	82.0	48.5	40.0	85.7
Montclair	*	70.0	*	42.4	44.6	75.9
All cities	162.5	119.8	95.6	61.7	62.5	116.5

* Not shown where base is less than 100.

The line of Diagram I illustrates for the average of the eight cities the tendency of the infant mortality rate to lessen as the income grows larger. Unfortunately the figures for the higher income groups are not large enough and are not sufficiently analyzed to indicate what may be the further lowering of infant mortality with greater incomes. Only 13.1 per cent, or about one-eighth, of all the fathers in the eight cities earned $1,250 or more.

Diagram I.

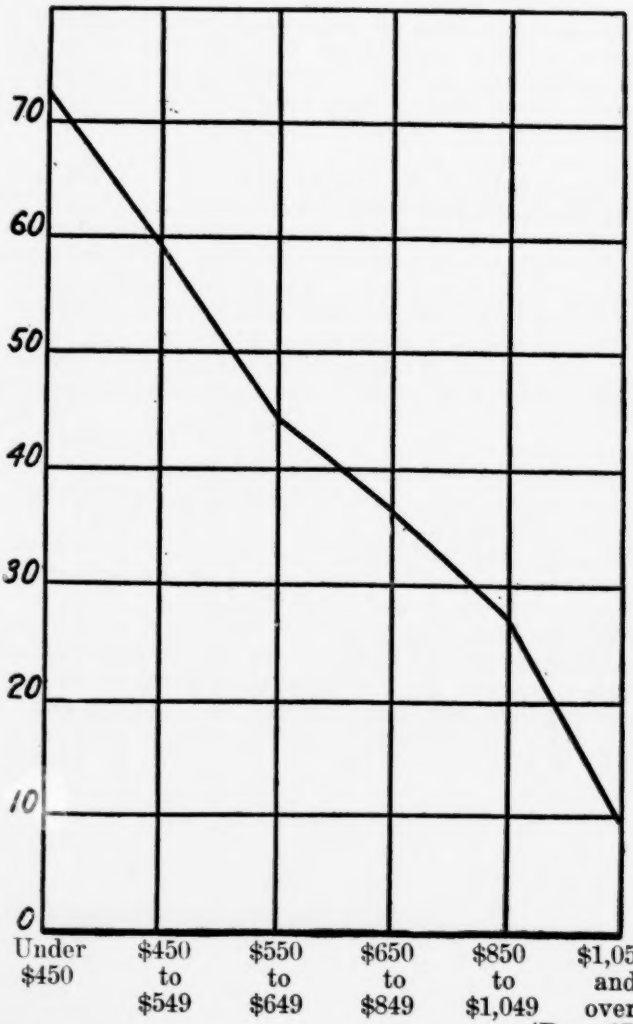
Combined Infant Mortality Rates for 8 Cities, According to Fathers' Earnings.



(Page 15.)

Diagram II.

Per Cent of Mothers Gainfully Employed in Manchester, N. H., During Year Following Baby's Birth When Fathers Earned Specified Amounts.



(Page 17.)

Diagram II, which is based on data for Manchester, N. H., relates the percentage of mothers gainfully employed in the year following the baby's birth, with the amounts earned by the fathers. It indicates clearly that women do not go out to work—leaving babies at home to die at more than twice the rate of more fortunate children—from sheer wayward preference for industrial life but for economic reasons, since the proportion of women gainfully employed reduces itself from 73.3 per cent. when the father earns under $450 to 9.6 per cent. if he earns $1,050 or more. These figures have been published only for Manchester, N. H., where a very large proportion of married women are employed.

It is believed that the father's earnings offer the fairest single gauge of the family well-being, but it must be borne in mind that there are many circumstances which affect the welfare of the family and which make the same amount of money go farther toward securing favorable conditions of infant life in one community than in another.

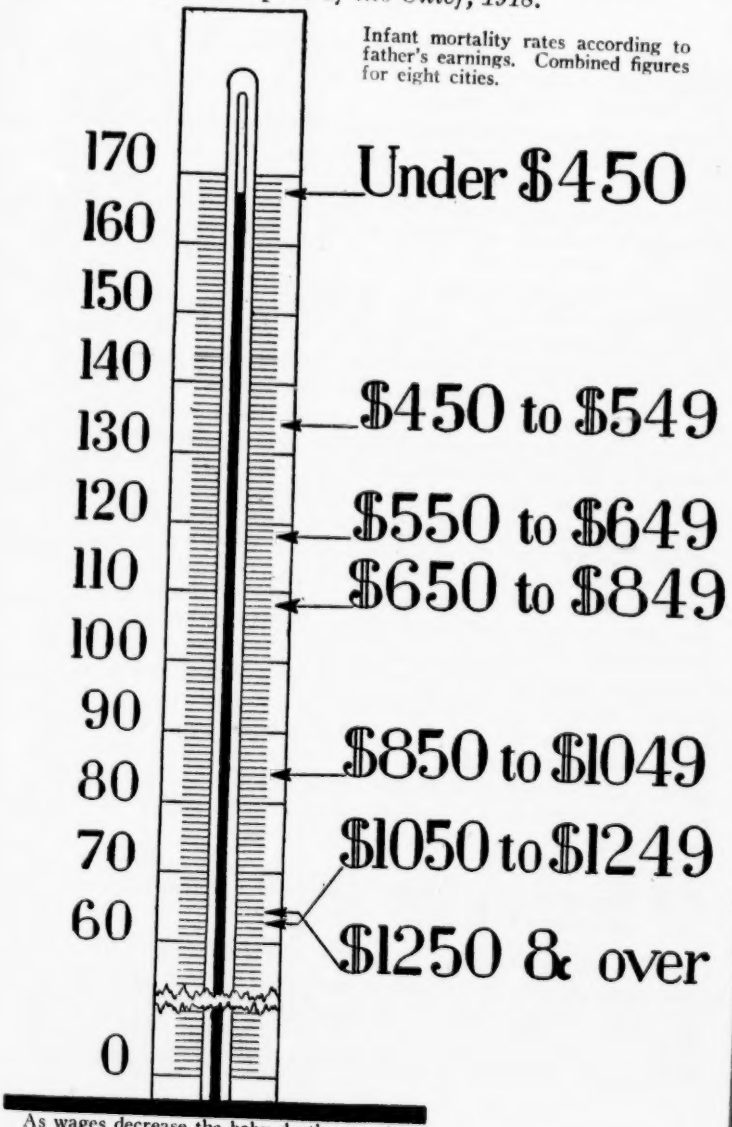
It is safe to say that no city or State recorded by the census in the mortality tables published during the present year shows a record which is not susceptible of greater reduction by civic effort easily within command. How far adequate income taken in connection with intelligent parenthood, together with good civic conditions, may reduce infant mortality rates is still a matter for future demonstration. (Pages 13-16.)

The infant mortality studies of the Children's Bureau show that an adequate income earned by the father of a family is a sine qua non of safety for babies. . . .

With the economic aspects of this great matter the bureau is empowered to do no more than to point out, as its studies proceed, the persistent coincidence of fathers' low earnings and high infant death rates. (Page 44.)

United States Department of Labor. Children's Bureau. Annual Report of the Chief, 1918.

Infant mortality rates according to father's earnings. Combined figures for eight cities.



As wages decrease the baby death rate rises.

(Page 11.)

This print is a reduction of an exhibit chart drawn in the form of a thermometer to illustrate the general relation between infant mortality and fathers' earnings as shown by eight combined studies of infant mortality made in the following cities: Johnstown, Pa.; Manchester, N. H.; New Bedford and Brockton, Mass.; Saginaw, Mich.; Akron, Ohio; Waterbury, Conn.; Baltimore, Md. The chart sums up the result of six years' study in so far as infant welfare and income are jointly involved. It represents intensive field investigation based upon interviews with mothers of nearly 23,000 live-born babies. (The similar diagram shown in the fifth annual report included Montclair, but did not include Baltimore.) The death rate for the babies whose fathers earned less than $450 was 167.8 per 1,000 births, or more than 1 in every 6. When the fathers earned $1,250 or more, the death rate for their babies was 64.3, or 1 in 16. The two income groups, where fathers earned less than $550, together include 26.7 per cent of the babies. The next two groups ($550 to $849) include 36.9 per cent. In the group earning from $850 to $1,049 were 15.2 per cent of the babies. Only 18.2 per cent had fathers earning $1,050 and over. 6.2 per cent earning $1,050 to $1,249, and 12.0 per cent earning $1,250 or more.

At the present writing earnings are probably increased for all these income groups. The figures recently published by the Bureau of Labor Statistics of this department, however, showing general increases in cost of living, afford no indication that the advantage to infant life can be at this time in proportion to the presumable increase in fathers' cash earnings. (Pages 10-12.)

U. S. Repartment of Labor. Children's Bureau. Annual Report of the Chief. 1919.

The Children's Bureau series of reports on infant and maternal mortality in urban and rural areas has for the last seven years steadily accumulated evidence of a high degree of annual wastage of life and vigor. The studies show that poverty and ignorance are yokefellows and

that civic responsibility for decent conditions of living is only beginning to reach an expression which can help to ease the burden. . . .

Over 200,000 babies less than a year old die annually. These infant deaths are controllable almost without exception. Poverty is a constant condition of the highest infant mortality rates, and the rates steadily improve as income increases to a good living standard. (Page 25.)

U. S. Department of Labor. Children's Bureau. Annual Report of the Chief. 1920.

The bureau has completed its first study of infant mortality in a great city. Its previous investigations in smaller cities and rural districts have indicated the causes and accompanying conditions of mortality, but the findings in Baltimore are based on so large a mass of data as to carry greater authority.

To the individual the chances of life and death are fortuitous. In the great mass chance is eliminated, and the law of averages is inexorable.

From the findings in Baltimore certain facts stand forth to which we as a Nation can no longer close our eyes. Without qualification—regardless of color, race, or nationality—the infant death rate varies inversely with the father's income. When the father's income represented the ability to insure care and comfort ($1,850 a year or more) the infant death rate was one-fourth as high as when the father's earnings fell into the lowest wage group. (Page 8.)

U. S. Department of Labor. Children's Bureau. Save the Youngest. Bureau Publication No. 61. 1919.

Poverty is the Baby's Greatest Enemy.

The greatest proportion of baby deaths occurs in families with the smallest income. . . . The poorer the family, the greater the hardship of the mother and the greater the menace to the child.

Income plays a chief part in determining the location of the home as well as the kind of home. Unfavorable location and overcrowding are bad housing conditions that accompany low income. In the study of infant mortality made in Waterbury, Conn., by the Children's Bureau, the mortality rate for children born in rear houses or houses on alleys was 172, while the rate for children born in houses located on the street was 120.6. The study in Manchester, N. H., showed the infant mortality rate to be 123.3 where the persons in a room averaged less than one, and 261.7 where they averaged two but less than three.

Low income often drives the mother to work to add to the family budget. Many times this entails less care for the baby, the substitution of bottle feeding for breast feeding, and other untoward conditions. In Manchester, N. H., it was found that the mortality rate for babies whose mothers were employed outside the home was 312.9, while the rate for babies whose mothers had no employment save to care for their own households was 122.

Poverty may be accompanied by ignorance. It is important to remember that poverty lacks the defense against ignorance which is at the disposal of the well-to-do mother. Sir Arthur Newsholme says that the designation of maternal ignorance as the chief factor in child mortality is "a comfortable doctrine for the well-to-do person to adopt"; but he states that we have little reason for thinking that the ignorance of the working-class mother is much greater than of mothers in other classes of society. The ignorance of the working-class mother is a menace because she is socially helpless unless the community will take the responsibility of providing adequate medical and nursing care, adequate teaching of maternity and infant hygiene, adequate provision for decent housing and sanitation, and adequate income for the father.

The fathers of 88 per cent of the babies included in the Children's Bureau studies earned less than $1,250 a year; 27 per cent earned less than $550. As the income doubled the mortality rate was more than halved. Which is the more safe and sane conclusion to take, that 85 per cent of

all these hundreds of fathers were incorrigibly indolent or below normal mentality, or that a wage based on accepted standards of living must be secured? (Page 14.)

U. S. Department of Labor. Children's Bureau. Infant Mortality in Pittsburgh. Glenn Steele. Infant Mortality Series No. 12, Bureau Publication No. 86. 1921.

Pittsburgh lost more babies in 1920 in proportion to its births than any other of the large American cities for which reliable records are available.

Its wastage of young life for the year exceeded that of 17 cities of more than 250,000 population in the birth registration area.

The measurement of this loss by an infant mortality rate—the number of deaths of infants under 1 year of age per 1,000 born alive—shows that for every 1,000 babies born in Pittsburgh in 1920, 110 failed to survive throughout the year. Approximately, this means a loss during infancy of 1 life out of every 9. (Page 5.)

Causes of Death.

. . . That the immediate causes of death thus analyzed have their sources in those more remote and infinitely complex factors touching the social, economic, and civic conditions in Pittsburgh can be inferred.

The subject of infant mortality in its various aspects has had a large share of the attention of the Children's Bureau during the nine years of its existence. Careful investigations which have included surveys of civic conditions and inquiries into family life in communities of diverse types have furnished certain unvarying conclusions.

Low wages, poor housing, insanitary surroundings, ignorance, illiteracy, the lack of nursing and medical care were everywhere coincident with high infant mortality rates. (Page 18.)

Great Britain. Ministry of Health. First Annual Report, 1919-1920. London, 1920. Part I. Public Health.

The infant mortality rate of England and Wales in 1919 reached the low record of 89. The previous lowest rates were 91 in 1916 and 95 in 1912. While this record is no doubt due to a variety of causes, including the favorable climatic conditions, the comparative prosperity of the wage-earning classes and the continued depression of the birth rate, there can be no doubt that Maternity and Child Welfare work has materially contributed to its reduction, and the low rate is a substantial encouragement to further efforts. (Page 44.)

Great Britain. Ministry of Health. On the State of the Public Health. Report of the Chief Medical Officer for the Year 1920. London, 1921.

12. A high infant mortality implies (a) the loss of many infants; (b) the maiming of many surviving children, for conditions which kill some, injure others; (c) a high death-rate in the next four years of child life; and (d) the existence of unhealthy conditions in the mothers or in the home life of the people.

13. A correct understanding of this problem depends upon a knowledge of the principal facts concerning infant mortality, which may be summarized as follows:— That its incidence falls chiefly in the first three months and in the first week of the first three months; that in this country it is higher in urban than in rural areas; higher in the north than in the south; that it is higher among illegitimate children; that its incidence is dependent not upon the density of population, but upon local and domestic conditions characteristic of limited industrial areas or social classes of the community; that it is high among the poor and low among those better off (in 1911 in England and Wales the infant mortality of all classes was 132 per 1,000 births, of unskilled workers 152, of the

intermediate class 106, and of the middle and upper classes only 76;) . . .

14. The decline in infant mortality to 80 per 1,000 births in England and Wales in 1920 and to 90 per 1,000 births for the quinquennial periods 1916-1920 are remarkable figures and demonstrate what is perhaps the greatest triumph of Preventive Medicine. It represents of course an immense saving in life; it also expresses indirectly a better physical condition in children from one to five years of age and a more enlightened understanding of private and public hygiene. (Pages 13-14.)

Great Britain. Ministry of Health. On the State of the Public Health. Report of the Chief Medical Officer for the Year 1921. London, 1922.

The decline in infant mortality to 83 per 1,000 births in England and Wales in 1921 and to 88 per 1,000 births for the quinquennial period 1917-1921 are remarkable figures and mean that (calculated on the average infant mortality of 1901-10) there was in 1921 a further saving of 38,000 infant lives. (Page 14.)

England and Wales.

Infant Mortality, 1881-1921.

	Deaths per 1,000 births registered
1881-1885	139
1886-1890	145
1891-1895	151
1896-1900	156
1901-1905	138
1906-1910	117
1911-1915	110
1916-1920	90
1905	128
1906	132
1907	118
1908	120
1909	109
1910	105
1911	130
1912	95
1913	108
1914	105
1915	110
1916	91
1917	96
1918	97
1919	89
1920	80
1921	83

(Figures taken from Table, page 33.)

International Labour Office. International Labour Review. Geneva. September, 1922.

Factory Welfare Work.

Dr. E. Briau, in a communication[1] to the Society of Public Health (*Societe de medecine publique*), dated 22,

[1]Dr. E. Briau: *Organisation d'une maternité dans un centre de 35,000 habitants.* Rev. d'Hyg., Apr., 1922, pp. 369-377. Paris.

March, 1922, describes the first year's working of the maternity hospital which Messrs. Schneider had charged him to organise at the Creusot Works at the end of 1918. This maternity hospital was to round off the medical care work of the works and was designed to cover the needs of the population both in the town and in its environs.

The infant mortality statistics are quite definite. They show an infant mortality rate at Creusot considerably lower than in other towns of the same class. While for all towns in France the mortality rate of infants under one year of age is from 17 to 12 per cent for the years from 1898 to 1910, this rate at Creusot sinks to 12 to 6 per cent; the average rate over the twelve years was 14.5 per cent for all French towns, and 8.5 per cent at Creusot. Dr. Briau's explanation is that at Creusot the wives of the employees do not go to work, as their husbands' wages are good enough to keep them, nor, indeed, are they admitted to the shops unless widows or unmarried. There is no industry and no trade in the town except the Schneider works, so that they are able to devote themselves wholly to looking after the home and most of them are able to breast-feed their infants. Something must also be put down to the medical care organisation, which provides them with immediate medical assistance, and to the clean state in which the town is kept. (Pages 454-455.)

The Effect of Poverty on Children.

U. S. Department of Labor. Children's Bureau. What is Malnutrition? Children's Year Follow-up Series No. 1. Bureau Publication No. 59. 1919.

Underlying Causes.

Poverty.—Before we attempt to correct malnutrition, however, it is necessary to go still further back and inquire into the underlying causes of the specific ones. Why are children insufficiently fed? Why do they have too little sleep? Why are bad teeth and tonsils not attended to? The answer seems to be that poverty, ignorance, and lack of parental control, singly or together, are the responsible factors. Not long ago it was customary to lay practically all the blame on poverty. Recently, however, there is a tendency—because of the discovery of the importance of the other two factors—to disregard it somewhat as a cause of malnutrition. Either extreme, of course, is wrong. An intelligent woman can undoubtedly come much nearer providing an adequate diet for her family on a limited income than can an ignorant woman with the same money—she may even succeed where the other fails—but the fact remains that there is a certain minimum income below which not all the intelligence in the world can purchase an adequate diet. It must be remembered, too, that it is poverty in a host of cases which is the real cause of ignorance. Had these poorer people the means, would they not in fact move into a better part of town, live in better houses, and purchase a better diet merely because of the natural desire for more and varied foods? And would they not naturally come into contact with influences which would to a certain extent educate them? Indeed, if we desire proof that this is so, we need but recall the fact that in England, even in the midst of war, with mothers away from home working and the children more or less neglected, the per cent of markedly malnourished children decreased rather than increased, as it was feared and expected would be the case. This decrease, as before mentioned, is attributed by English authorities to the high wages which made it possible for families to

have better and more abundant food and more desirable living conditions.

Although we have come to know that poverty is not the only underlying cause of malnutrition, we must not forget after all that the first big step toward removing large numbers of children from the ranks of the undernourished would be to insure their parents an income considerably above the mere subsistence level. (Page 11.)

U. S. Department of Labor. Children's Bureau. Annual Report of the Chief. 1919.

The discussion at the child-welfare conferences served to emphasize what the work of Children's Year and the regular work of the Children's Bureau has already indicated—that child welfare is a national, even international, problem of first magnitude, and that the economic aspects of the problem are now most urgent. It was stated at the conferences, for instance, by Dr. William R. P. Emerson, that about one-third of all American children of pre-school and school age are malnourished, and that this condition makes it impossible for the schools to reach reasonable standards of achievement; and that 20 to 40 per cent of those graduating from elementary schools are physically unfit.*

Dr. Thomas D. Wood said that it was well known that "three-fourths of the 22,000,000 school children in the United States have health defects which are actually or potentially injurious to them as prospective citizens of the Republic"; and that "at least 4,500,000 are suffering from malnutrition." He estimates that among the children with health defects there are 5,000,000 with defective eyes and from 11,000,000 to 16,000,000 with defective teeth.**

This alarming testimony from physicians is further added to by the well-known economist, Prof. William F. Ogburn. In his studies made for the Bureau of Labor

*Standards of Child Welfare: A report of the Children's Bureau conferences, May and June, 1919. Children's Bureau Publication No. 60, page 238.
** Ibid., pages 248 and 250.

Statistics of the United States Department of Labor, Prof. Ogburn estimated that while the food actually consumed by a child in a Philadelphia working-class family during the first 16 years of life would cost $1,750, a family was actually able to expend only $718 in buying the child's food. The difference between those figures, according to Prof. Ogburn, indicates the economies and adjustments made in the family budget, and also suggests the reason for the malnutrition described by physicians and dietitians.* (Pages 29-30.)

Public Health and Insurance. *Sir* ARTHUR NEWSHOLME, *K. C. B., M. D., F. R. C. P. Lecturer on Public Health Administration at the School of Hygiene and Public Health, Johns Hopkins University, Baltimore, Maryland; Late Principal Medical Officer of the Local Government Board, England. Baltimore, The Johns Hopkins Press, 1920.*

There is a constant excess of sickness among the poor as compared with the well-to-do. Measures for the relief of poverty, therefore, may be regarded as within the scope of the physician's prescription. This may be accomplished for the moment by momentary or material help; but unless the causes of poverty are sought out and counteracted, the assistance given is merely palliative. For nothing is more certain than that poverty tends to become a self-perpetuating condition.

Thus poverty leads to premature employment of children, with detriment to their normal growth, followed by diminished efficiency in adult life. This implies low wages throughout life, and so poverty is passed on to a second generation. (Page 148.)

*Standards of Child Welfare: A report of the Children's Bureau conferences, May and June, 1919. Children's Bureau Publication No. 60, page 29.

(c) On General Standards of Living.

Investigation proves that the standard of living is fixed by the wages received. With insufficient wages, expenditures for living must be curtailed below the requirements of healthful existence. Overcrowding in housing with the consequent loss of all privacy, insufficient clothing, and the lack of all legitimate recreation, have been found to result from underpayment.

These privations involve not only individual suffering but a social loss. Where the individual's standards of living are too much depressed, the community's must inevitably decline.

U. S. Department of Labor. Children's Bureau. Minimum Standards for Child Welfare Adopted by the Washington and Regional Conferences on Child Welfare, 1919. Conference Series No. 2, Bureau Publication No. 62, 1919.

Resolutions on Standards Relating to "Children in Need of Special Care."

2. Adequate Income.

Home life which is, in the words of the conclusions of the White House Conference, "the highest and finest product of civilization," cannot be provided except upon the basis of an adequate income for each family. (Page 10.)

Commission on the Church and Social Service. Federal Council of the Churches of Christ in America. [*Co-operating religious bodies and organizations: Northern Baptist Convention, Congregational, Disciples of Christ, Protestant Episcopal, Methodist Episcopal, Presbyterian in the U. S. A., Reformed Church in the U. S., Seventh Day Baptist, The International Committee of the Young Men's Christian Associations, The National Board of the Young Women's Christian Associations, The International Sunday School Lesson Committee, The Canadian Brotherhood Federation.*] *The Wage Question. February, 1922.*

At least twenty-five million people in the United States get their living as wage earners. A large majority of our whole population are dependent on the contents of pay envelopes and face hardship with any considerable reduction in the weekly stipend. A "ten per cent cut in wages" which occupies an inch in the newspaper and not more than a moment in the average reader's thought, may mean to a multitude of homes the beginning of malnutrition and disease. In many families it means moving to smaller quarters—less light, less air, less privacy, less of a home.

In the ranks of the unskilled who never aspire beyond the lower levels of well-being, a few cents more or less a day may determine the fate of a household. The wage level in a single industry may make all the difference between a prosperous community and a dull one; between intelligence and illiteracy on the part of its young people; between a wholesome community spirit and continual dissension; between comparative health and a high death rate. A true account of social causes and effects would trace a definite relationship between the pay envelope and infant mortality. The pay envelope contains health, education, happiness, character—even the possibility of the spiritual life. (Page 3.)

The Church has an interest in the wage question that is primary and inevitable, and a concern that nothing can

suppress. The human values with which the Church deals are inseparably bound up with the conditions under which its people live. Not only so, but the inadequacy of workers' incomes is the most fruitful source of human strife and the most common cause of interruption of brotherly relations in the world. It is for these reasons that the "Social Ideals of the Churches" declare that the churches stand for "A living wage as a minimum in every industry, and for the highest wage that each industry can afford," and further that "The first charge upon industry should be that of a wage sufficient to support an American standard of living."

In these words, which have been affirmed by the Federal Council of the Churches of Christ in America and in substance by several great Protestant bodies, acting independently, a large section of Christian opinion on a pressing social problem has been summarized. (Pages 3-4.)

People cannot stop working because wages have gone below the standard maintenance line. Labor supply can be checked only through changes in immigration or the birth rate. There are, in fact, such changes, due to the depression of wages, but they obviously can have no reverse influence on a given situation in the "labor market." Therefore, a strict application of the "cost of production" and "supply and demand" theory to labor appears to be impossible. The depression of wages below the standard maintenance line (or, in "commodity" terms, the "cost of production" line) results not in regulating the supply but in *forcing down the living standard and degrading the workers themselves.* A Christian view of the matter, therefore, requires a recognized standard of life which will be consciously maintained, since it cannot be mechanically maintained.

Moreover, those who insist that the wage of labor must be fixed automatically like the price of a commodity in the open market, are not consistent in the matter. It is an accepted principle of management that "upkeep" must be taken account of as a fixed charge before divi-

dends are considered. The railroads have argued insistently that the federal railroad administration was marked by "under maintenance" and thus the efficiency of the roads was impaired. The correctness of this statement has been questioned by high authority but only the point of view concerns us here. What shall be said for an industrial policy that insists on adequate maintenance of buildings and machines and allows labor to wear out prematurely by neglecting its upkeep? Even from the purely "business" point of view industrial science, which has contrived so brilliantly in the direction of mechanical efficiency, needs aid from social science in order that men may not be subordinated to machines.

This is the economic objection to the commodity theory of labor. Ethically, it has been pronounced unsound by the Church, by labor, by many employers, and by socially-minded people generally, because it disregards the fact that while the owner of a commodity separates himself from it when he sells it, a man can never separate himself from his labor. With it goes not only his whole physical life but his personality as well. His life interests and his personal destiny are in overwhelming measure determined "on the job." This is the crux of present day labor controversy. There is a new tendency in economic theory to make economics a more strictly social science. For decades it has been taught in our schools as something akin to biological science. The human beings whose lives it takes account of have been treated as impersonal centers of three economic necessities—food, clothing and shelter. We have been taught to contemplate an "economic man" as the subject of the science rather than an ordinary human being whose demands cover a vastly wider range than physical necessities and whose impulses and instincts must be provided for if the social structure of which he is a part is not to suffer. . . .

The law of supply and demand does operate in relation to labor, and this, more than anything else, gives rise to the labor problem. But wherever this principle

is allowed to depress wages in disregard of considerations of humanity and of equity, it cuts directly across the Christian principle which the churches have enunciated. (Pages 7-8.)

Poverty and Social Progress. Maurice Parmelee, Ph.D. New York, Macmillan, 1916.

But we have had ample evidence of the manifold ways in which poverty obstructs the coming of the normal life. Because many of the poor do not have an adequate material basis for life in the way of food, clothing, housing, etc., many of them are injured physically and mentally. Because they are usually forced by their poverty to work long and hard at tasks which frequently are uncongenial, and for which frequently they are unfitted, they have not the time and strength to give expression to many of their natural human impulses. It is evident that this adequate material basis for life must be provided for physical and mental comfort, and that there must be sufficient leisure for self-directed avocational activities. (Page 452.)

U. S. Public Health Service. Public Health Bulletin No. 126. Transactions of the Conference on the Future of Public Health in the United States and the Education of Sanitarians. Washington, D. C., March 14 and 15, 1922. Public Health and the Future Commonwealth. Dr. Lewellys F. Barker, *Johns Hopkins University.*

Again, the growing conviction that the maintenance of physical and mental health of individuals is definitely related to the industrial, the social, and the economic conditions in which they find themselves would make it seem likely, too, that in the near future the public-health service will be compelled to play a role in the invention and application of contrivances that will insure for every person in the Commonwealth standards of living that are not incompatible with the preservation of health or the maintenance of an abounding vitality. (Page 145.)

Principles of the New Economics. LIONEL D. EDIE, *Associate Professor of History and Politics, Colgate University. New York, Crowell, 1922.*

In 1919, Mr. Meeker stated the findings arrived at by the government investigations as follows: "American families on the average are not fully nourished until their yearly income reaches $1,800. . . . The average income and the modal income both fall well below $1,600. . . . [These figures] do not mean that our working population is dying of slow starvation; nothing of the sort. But they do indicate that the workers of America are obliged to live on a diet too restricted and monotonous for the maintenance of as high a degree of efficiency and health as ought to be maintained as a reasonable minimum."* This finding is substantiated by the bulk of reputable authorities in the field, and may safely be taken as the impartial, scientific facts of the case.**

For purposes of full clearness, it is necessary to relate the so-called living wage level to two other levels of wage and life,—what may be called the poverty level and what may be called the comfort level. The poverty level is a demoralizing and devitalizing level. "Families living at this level receive charity in the form of gifts or free medical service or in other ways. Or if they do not do this they attempt to live on a level so low as to weaken them eventually to such an extent that disease inevitably overtakes them." Further, Parmelee, after an extended survey of the statistics and records bearing on the problem, concludes, "In view of the above facts, as well as various others that might be cited, it seems reasonable to assume that the number of persons in this country receiving charitable aid ranges from five to ten per cent., varying somewhat according to economic and other social conditions."*** Within the poverty level should be included those whose incomes are so low that although they do not resort to charity for subsistence, nevertheless exist

*Monthly Labor Review, Volume IX, pp. 7-13.
**See P. Douglas and F. Lamberton, American Economic Review, Vol. XI, pp. 409-426.
***Poverty and Social Progress, p. 103.

under conditions which involve degeneration and distress. As Parmelee states, "We have plenty of evidence that the number of those who do not even reach the lower minimum standard of living is very great, probably exceeding ten per cent of the population."*

For a group of several millions of people in the United States poverty of a sort which is devitalizing is a haunting fact. As a statement of plain scientific findings, the following words by Hollander are directly to the point: "There are great bodies of people in country and in city who from birth have less than enough food, clothing, and shelter; who from childhood must toil long and hard to secure even that insufficient amount; who can benefit little from the world's advance in material comfort and in spiritual beauty, because their bodies are under-nourished, their minds are overstrained and their souls deadened by bitter struggle and want. These are the real poor of every community—the masses who, not lacking in industry and thrift, are yet never really able to earn enough for decent existence and who toil on in constant fear that bare necessities may fail."**

The ordinary working of competitive wage forces has not averted the menace of this poverty line. From a social and economic standpoint, the degeneracy and devitalization which goes on steadily within these classes is a national liability of the severest sort. The dehumanizing consequences of poverty are not a matter of guesswork but of scientific ascertainment. The death rate due to the vicissitudes of poverty is approximately double that prevailing among the classes who have higher incomes. The infant mortality rates among these impoverished groups is more than double that of the normal well-to-do groups in America. Perhaps even worse is the fact that the number of days of sickness in proportion to the number of days of health is between fifty and one hundred per cent. greater among the laboring than among the professional classes. The defective wages mean unfit

*Poverty and Social Progress, p. 106.
**"The Abolition of Poverty," Jacob Hollander, pp. 4-5.

diet, tenement crowding, scanty clothing, inadequate mental care, frequent disease, an enfeebled physique and a harassed and haunted mind. From a strictly scientific standpoint, economics is compelled to deliver a most scathing denunciation of the toleration of the poverty levels in American society.* (Pages 122-124.)

Public Health and Insurance. *Sir* ARTHUR NEWSHOLME, *K.C.B., M.D., F.R.C.P., Lecturer on Public Health Administration at the School of Hygiene and Publice Health, Johns Hopkins University, Baltimore, Maryland; Late Principal Medical Officer of the Local Government Board, England. Baltimore, The Johns Hopkins Press. 1920.*

There is much truth in each of the statements that poverty is responsible [for much disease, that disease is responsible] for the greater part of the total poverty in our midst, and that poverty begets poverty.

Poverty and disease are allied by the closest bonds, and nothing can be simpler or more certain than the statement that the removal of poverty would effect an enormous reduction of disease. The removal of poverty must, therefore, be in itself an object always fascinating to those whose study is the public health. The diseases which would be reduced by this means, include not merely those which physicians treat, but many moral diseases which persist because they are only to be avoided by the poor through the exercise of discipline and self-restraint far beyond what is practised by the average person in classes not subject to poverty. The happiness of a community being in itself a desirable object, a national asset, it is also not irrelevant to consider that the removal of poverty involves enlarged opportunities for enjoyment which, rightly directed, would be only of less value than the removal of disease. It is not surprising, therefore, that the first impulse of a student of the public well-being, in which the public health is the most important

*Hayes, "Introduction to Study of Sociology," pp. 98-99.

factor, is to attack disease by demanding the reduction of poverty, with its more or less inevitable accompaniments of overfatigue, privation, overcrowding, and dirt. And it must be freely admitted that when the most active public health administration, including adequate medical aid for the sick, has attained its utmost efficiency, and has in every respect done all that it can to reduce disease, there will still remain a cruel residuum which can be attacked in no other way than by the removal of poverty, or by the removal from poverty of the elements of personal privation which affect the public health. (Pages 184-185.)

Modern Economic History with Special Reference to Australia. H. HEATON. *Adelaide. Workers' Educational Association of South Australia. 1922.*

Poverty means slums and over-crowding. It was ascertained in about 1905 that one-fifth of the population of Glasgow was living in one-roomed tenements. Slums take heavy toil in mortality. In Paris in 1912 the death-rate was 7.9 per 1,000 in an aristocratic suburb and 33.5 in a poor region; for London the figures were 11.3 and 50. This mortality was heaviest amongst children, and in France three-quarters of the infantile mortality was due to preventable causes which mostly found their explanation in poverty. Some diseases pass by or touch lightly all but the poor; over-crowding, ignorance, bad or insufficient food, and the inability to afford the services of a doctor enable epidemics to run riot, and small ailments become serious. Mental deficiency, crime, and suicide can in a large percentage of cases be traced to poverty, and while drunkenness is sometimes the cause of poverty, it is often the result of fatigue and semi-starvation. The war, with its revelations of wide-spread physical unfitness, showed the chief belligerents the price they pay in ill-health for slums and low wages. (Pages 192-193.)

The Human Needs of Labour. B. Seebohm Rowntree. *Director, Rowntree & Co., Cocoa Manufacturers York, England. London, Thomas Nelson and Sons, Ltd. 1918.*

The war has torn the scales from our eyes, and forced us to see things as they really are, and by the light of this clearer vision we have come to regard many conditions as intolerable which before had only seemed inevitable. This is especially true of the conditions in which unskilled labourers, both in industry and agriculture, were living before the war. There is no denying the fact that the wages of the great majority of them were not, in any true sense, *living* wages. They did not provide for the reasonable human needs of men and women living in a civilized community.

As a nation, however, we acquiesced in this state of things. We were so familiar with it that its evils failed to impress us. Even in our progressive and sanguine moods, the utmost that we hoped for was a very gradual and a very tentative improvement. (Pages 9-10.)

I do not believe for a moment that in the future we shall allow millions of our fellow-countrymen, through no fault of their own, to pass through life ill-housed, ill-clothed, ill-fed, ill-educated. But if their conditions are to be remedied, the present scale of wages for unskilled labourers must be materially raised. (Page 10.)

We shall have to make a fresh start, in a fresh world. In that world, are millions of our fellow-citizens to go on living in slums? Is the death rate among the children of the unskilled workers to remain far higher than among the children of the well-to-do? Are we, in short, to restore or to perpetuate the old abuses, the old evils, the old resentment, the old wrong?

No; industry to-day is in the melting-pot. We must remould it in accordance with a juster standard. (Pages 135-136.)

I am profoundly conscious of the grave practical difficulties which the policy I advocate would involve. Its

adoption, more especially with regard to the fixing of minimum wages, would impose a heavy burden upon all those responsible for the conduct of industrial life, and agriculture would confront a yet more intricate problem. Yet I venture to submit, in all seriousness, that the nation must choose either difficulty or disaster. I submit that the day is past in which we could afford to compromise between the desires of the few and the needs of the many, or to perpetuate conditions in which large masses of the people are unable to secure the bare necessaries of mental and physical efficiency. (Page 144.)

(2) The Financial Burden Imposed Upon the State: The Increase in Public Expenditure.

Wages are a legitimate charge on any industry like other fixed charges. An industry paying less than a living wage to its workers is receiving a subsidy from some source. The workers in such a trade are supported or assisted by public or private aid. Public aid entails increased public expenditures, such as charges for hospitals, charities or reformatory work. The repair of the physical or moral deterioration due to underpayment thus constitutes a direct public tax. The state pays the deficit; the underpaying industry, in effect, receives a subsidy to maintain its employees.

Dependency Index of New York City, 1914-1917. I. M. RUBINOW. *American Economic Review. December, 1918.*

It is scarcely necessary to argue that the amount of actual dependency (i. e., the extreme condition of economic need and distress which culminates in an appeal of an individual or family for public or private aid in some form of another) is a matter of deep concern not only to the existing philanthropic agencies but to the community at large. . . . Dependency rises and falls with the general level of economic prosperity. (Page 714.)

General Index of Dependency.

By similar averaging of the miscellaneous indices the general index of dependency for New York City has been computed and is shown in Table 2 below.

Table 2.—General Dependency Index.

Month	Average of twelve indices				Average of fifteen indices	
	1914	1915	1916	1917	1916	1917
January	226.5	280.7	124.1	107.2	119.6	106.6
February	188.5	232.7	106.2	99.2	105.7	96.6
March	207.1	234.6	118.2	109.9	110.7	107.2
April	189.6	180.7	98.8	95.2	98.5	94.5
May	146.9	158.2	103.0	101.3	104.9	101.6
June	139.2	137.5	105.3	94.4	105.5	94.3
July	140.8	125.4	89.6	88.5	91.9	91.4
August	124.6	120.7	88.6	86.5	93.0	87.6
September	137.3	104.5	85.4	75.5	85.7	74.9
October	162.6	115.1	87.7	82.7	89.2	82.7
November	191.4	114.9	95.3	81.1	94.2	80.7
December	252.5	123.6	102.7	85.3	100.2	83.8

(Page 731.)

The general conclusions to be derived from the figures given is, perhaps, not a startling one. The index of dependency begins with 226.5 in January, 1914; and barring the rise after the February depression (already sufficiently explained) it takes a downward course until August, 1914, reaching 124.6. The effect of the European war is immediately felt in the constant increase from September on, to which of course must be added the effect of the normal tendency during the winter months. The seasonal variations alone cannot, however, explain the rapid increase to 252.5 in December, 1914, and 280.7 in January, 1915. Though slight improvement in conditions is shown in the early spring of 1915, it does not produce any substantial effect until about June, from

which time it continues to fall under the effect of the industrial revival, so that even the winter of 1915 raises the index but slightly to 123.6 in December, 1915; 1916 shows continuous improvement, with a very slight rise towards the close of the year; and the curve for 1917 almost uniformly runs lower than for 1916, the general index for September, 1917, being the lowest on record since January, 1914. (Pages 732-733.)

Poverty and Social Progress. MAURICE PARMELEE, *Ph.D.* *New York, Macmillan. 1916.*

Let us now attempt an estimate of our own of the extent of pauperism in the United States at the present time. . . .

The census reports give some indication of the amount of pauperism in this country. The report on benevolent institutions gives the statistics for the following types of benevolent organizations, most of which are private: (1) Institutions for the care of children; (2) Societies for the protection and care of children; (3) Homes for the care of adults, or for adults and children; (4) Hospitals and sanitariums; (5) Dispensaries; (6) Institutions for the blind and deaf. The number of inmates of these institutions at the close of the year 1910 was 408,830. The total number of persons received during the year was 5,400,556, which was nearly six per cent. of the total population. It is impossible to ascertain how many of these were duplications, and how many of them do not properly belong to the pauper class. These are perhaps most likely to occur among the persons who are received at the dispensaries and by the societies for the protection and care of children. If we subtract these from the total, the number received by the remaining institutions was 2,960,538, which was a little over three per cent. of the total population. It must, however, be remembered that some of those received at dispensaries as well as at some of the other institutions represent families of paupers, so that these individuals would make up in part at least for the duplications. Furthermore, to the paupers enu-

merated in this report must be added the paupers in almshouses, which are enumerated in another report and which numbered on the first of January, 1910, 84,198. There must still be added a certain percentage of the insane and feeble-minded, many of whom are paupers. According to the census report on this subject there were on the first of January, 1910, 187,791 insane in institutions, and on the same date 20,731 feeble-minded in institutions. It is impossible to estimate how many of these were paupers.

So that so far as these census figures give any indication, the number of those receiving any charitable aid ranges from three per cent., which would be a very conservative minimum, to six per cent. of the total population. But it must be remembered that these figures do not include those receiving outdoor relief from public sources, or the large number of persons receiving such relief from the private charitable organizations and from individuals.

In view of the above facts, as well as various others which might be cited, it seems reasonable to assume that the number of persons in this country receiving charitable aid ranges from five to ten per cent., varying somewhat according to economic and other social conditions. This is an exceedingly rough estimate, but the available data do not permit of a more precise one. It simply means that, in all probability, the number of those pauperized to at least a slight extent by receiving charitable aid never falls below five per cent., while it may go as high as ten per cent. of the total population, without excluding the possibility of still higher percentage. (Pages 102-103.)

An Introduction to the Study of Labor Problems. Gordon S. Watkins, *Associate Professor of Economics, University of Illinois. New York, Crowell. 1922.*

In its social consequences, an inadequte wage scale imposes a heavy burden upon the community which, through its charitable agencies, must ultimately make up

the deficit in the earnings of labor. The families of underpaid workers become dependents and public charges, if, indeed, they do not become delinquents. The almshouses, public hospitals, and penal institutions of the world have always had among their inmates individuals who, had they been compensated adequately for their productive efforts in industry, would not have resorted to charity or public guardianship. Inadequate earnings are not the only cause of these social problems, but they constitute one of the most important causes. (Page 66.)

Poverty and Social Progress. MAURICE PARMELEE, *Ph.D. New York. Macmillan. 1916.*

The results from these conditions to the poor themselves can perhaps be best summed up in the one word misery. But there are certain evil results from poverty to the rest of society. Even though there are certain individuals who profit from the misery of the poor, society as a whole suffers from poverty in certain ways. As we have already noted, the prevalence of disase, crime and certain kinds of vice is stimulated by poverty, and, as all of these evils are more or less contagious, their prevalence is by no means limited to the poor themslves. The cost of caring for many dependents who might be self-supporting, and of a considerable number of criminals whose crimes are due to poverty, falls upon society as a whole. Looked at from the esthetic point of view, the presence of poverty is a blot and an eyesore upon civilization, and the life of society as a whole will be raised to a higher plane and made more refined if this blot can be removed. (Pages 226-227.)

The Church and Socialism. JOHN A. RYAN, *D.D., LL.D., Professor of Moral Theology at the Catholic University of America. Washington. The University Press. 1919.*

We have heard a great deal lately about the conservation of natural resources and the wasteful exploitation

of the soil. We easily realize that the cost of restoring our agricultural land to its normal productivity will be much greater than would have been the cost of preventing its deterioration, and that the average level of prices of agricultural products will in the long run be considerably higher than it would have been had the farmers adopted the method of prevention. The early saving in prices will not compensate for the later loss arising from deterioration of the soil. Neither will the assumed saving in the prices of the goods produced by the exploited workers equal the loss due to lower industrial efficiency, sickness, poverty and crime. If the underpaid workers were able to produce a normal amount of product annually during their shorter working lives, and if they were then so considerate as to disappear suddenly, leaving no burden of sickness or funeral expenses to the community, the process of exploitation might be socially profitable and expedient. "Might be," for the result is by no means certain. But the workers do not turn out a normal amount of product during their working years, and they do create abnormal burdens for the community. By expediency as well as by morality the parasitic industry stands condemned. . . . As a general rule, an industry that is not self-supporting, that cannot pay living wages to all its employes, has no valid reason for existing. If its products are not in sufficient demand to command prices adequate to this end, they ought not to be produced. (Pages 80-81.)

Report of the Industrial Conference called by The President. March 6, 1920.

Considered from the standpoint of public interest, it is fundamental that the basic wages of all employees should be adequate to maintain the employee and his family in reasonable comfort, and with adequate opportunity for the education of his children. When the wages of any group fall below this standard for any length of time, the situation becomes dangerous to the well-being of the

state. No country that seeks to protect its citizens from the unnecessary ravages of disease, degeneration and dangerous discontent, can consistently let the unhampred play of opposing forces result in the suppression of wages below a decent subsistence level. Above that point, there may well be a fair field for the play of competition in determining the compensation for special ability, for special strength or special risk (where risk is unavoidable), but below that point the matter becomes one of which the state for the sake of its own preservation must take account. (Page 37.)

Great Britain. Committee of Enquiry into the Working and Effects of the Trade Boards Acts. 1922. Documents Annexed to the Evidence submitted by Mr. Humbert Wolfe, C. B. E. Annex I. Report No. 246 of 1908, Select Committees of the House of Commons on Home-Work. October 14, 1921.

"On the other hand, if 'sweating' is understood to mean that work is paid for at a rate which, in the conditions under which many of the workers do it, yields to them an income which is quite insufficient to enable an adult person to obtain anything like proper food, clothing, and house accommodation, there is no doubt that sweating does prevail extensively. We have had quite sufficient evidence to convince us (indeed, it is almost common knowledge) that the earnings of a large number of people—mainly women who work in their homes—are so small as alone to be insufficient to sustain life in the most meagre manner, even when they toil hard for extremely long hours. The consequence is that, when those earnings are their sole source of income, the conditions under which they live are often not only crowded and insanitary, but altogether pitiable and distressing; and we have evidence that many are compelled to have recourse to Poor Law or charitable 'relief.'" (Page 60.)

Social Administration including The Poor Laws. JOHN J. CLARKE, *M.A., F.S.S. London. Pitman. 1922.*

Although ill-paid labour may enrich particular employers, it is inconsistent with a sound system of national economy. It makes for inefficient labour and entails in the end heavy burdens upon the taxpayer. It involves a restricted demand for commodities in the home market with a relative diminution of output. No less important are the indirect results of sweating, such as the degradation of the worker, the waste of life, and the physical deterioration of the worker and the family who, in insanitary dwellings, are often the cause of infection. (Page 246.)

The workers are usually women, and the wages are lower than those of men's, for the workers are unorganized. It is one of the weaknesses of the trade union movement that, while it has safeguarded the better-paid worker, it has left many of the underpaid trades virtually unprotected. (Page 247.)

Das Minimallohnproblem: Eine Kritische Studie. (The Problem of the Minimum Wage: A Critical Study.) ABRAHAM NATHAN. *Freiburg im Breisgau. Rebholz. 1920.*

And now for the question of the export trade. . . . If the introduction of decent wages would bring about such a rise in the production costs of the articles in question that in consequence of the higher price they would find no market abroad, it follows that the apparent success that these products . . . . had among foreign consumers was only obtained by the fact that the standard of life of the home workers engaged in their production had been depressed to a level endangering their life and health. Advantages were thus offered foreign countries at the expense of the most valuable source of national wealth, the labor power of large numbers of the home population,—a system of industrial robbery either leading to increased mortality among the workers handicapped

for foreign advantage, and thus to a partial failure of labor power, or compelling the State, that is, the total home population, to make up in charity the deficit of the home workers' wages. In both cases the home country is the sufferer; it must make sacrifices in order that the foreign consumer may buy cheap goods. The market is obtained by a sort of dumping, a sale at prices under production cost, in which the pressure does not fall upon the material elements of production, the raw materials—the employer in any case sees that he is repaid for these outlays in the price of the finished product—but the whole weight of the sacrifice falls on the worker, whose labor power, if wages are too low, cannot be kept up to its original level. While the outlay for material is the fixed charge in the calculations of the employer, unchanging and setting impassable limits to the movement of prices, the invisible organic factor involved in the product, the vital force of the active worker, receives less considerate treatment. The elasticity of human needs, the possibility of reducing the standard of living under pressure of necessity, and the weak resistance offered the employer by the home worker, without means and dependent on the sale of his labor power, makes it easy for him to throw the whole pressure of competition, in home or foreign markets, on the worker. The production or reproduction costs of the labor force, which the employer bears only in part, but which, from the point of view of national economy, make up a considerable part of the cost of national production and are paid from the basic fund of national prosperity, are less considered than the costs of the inanimate materials of which the output consists. In this inhuman attitude there is not only an injustice in sharpest contrast to human dignity, it is a wrong from the economic and therefore from the ethical point of view as well, because the country is furnishing the foreign consumer with wares produced under such conditions of work and wages, at a price below the costs of production. Under such conditions the exporting country is doing business at a loss.

It does not need to be emphasized that the parasitic character of home industries depending on starvation wages deserves no less severe a judgment if we consider products sold in the home market. The apparent advantage of cheap prices derived from inadequately paid work is here on the side of the home consumer; but in the position of the home worker forced below the necessary minimum it makes no difference that it is a compatriot who profits by his misery, and this parasitism of one class on the vital force of another is no better from the standpoint of economics than is exploitation by foreigners. The maintenance of a foreign market and of competition with other countries . . . . cannot be regarded as an economic success if they are balanced by so heavy a counterweight as under-nourishment, sickness, and increased mortality among the workers who have substantially contributed to the success of the foreign trade. (Pages 100-101.)

State intervention in favor of the home workers is thus not only a social duty but also a demand of economics. The effect of the compulsory minimum wage is to put the production cost of labor on an even base with that of the raw materials used in the products of home industry. By its means the employer is forced to take into account as a fixed charge in his calculations of price, the cost of the labor power used in production. He is made responsible for its full replacement by law in the form of an adequate minimum wage, and must reckon with it as he does with the other elements of cost. That is the object of the minimum wage. (Page 101.)

Decrease in Public Expenditure in England Coincident with War Wages.

Great Britain. Ministry of Health. First Annual Report, 1919-1920. London, 1920. Part III. Administration of the Poor Law.

The number per 1,000 of the estimated population, of the persons in receipt of relief (excluding lunatics in asylums, persons in receipt of domiciliary medical relief only, and casuals) was:—

at the commencement of the war....	16.7
at the armistice.....	11.9
at the end of March, 1919.....	12.4
and at the end of March, 1920.....	13.2

(Page 15.)

Great Britain. Ministry of Labour. Pauperism During the War. The Labour Gazette. February, 1918.

The steady decline in destitution during the war is clearly brought out by the statistics of pauperism over the quinquennium 1913-1917, a summary of which is given in the table below. The general upheaval at the beginning of hostilities was responsible for an increase in the amount of poor relief, but this was a temporary movement only, reaching its maximum before the end of August, 1914. Since then, service and other calls upon man-power have had their due effect, and the figures have steadily fallen, the total of paupers of all categories at the end of September, 1917, being nearly 19 per cent. smaller than in 1913.

The following table shows for England and Wales the total number of paupers in receipt of poor relief at the end of September in each of the years 1913-1917:

Persons in Receipt of Poor Relief at the end of Sept.	1913.	1914.	1915.	1916.	1917.
Casual paupers	7,279	5,587	3,804	3,321	1,845
Paupers in receipt of out-door medical relief only.	16,167	17,521	14,238	14,169	13,551
Lunatics in lunatic asylums*	99,262	100,941	102,975	100,182	97,356
Other classes of paupers..	611,448	641,028	566,725	516,876	483,436
Total	734,156	765,077	687,742	634,548	596,188

*The numbers given are for 1st January of each year.

To supplement the above the following table has been compiled from the figures published monthly in the Labour Gazette, based upon information supplied by the Local Government Boards in England and Wales, Scotland and Ireland. It gives for the years 1913-1917 the average rate of pauperism per 10,000 of population in thirty-five selected urban areas of the United Kingdom, calculated on the basis of returns relating to the number of paupers on one day in each month; the classes of paupers and the areas included in the figures are shown in the table on page 75.

	Average Rate per 10,000 of Population During the Years				
District.	1913.	1914.	1915.	1916.	1917.
Metropolis	228	226	203	180	165
West Ham	222	220	202	179	164
19 Urban areas in England and Wales	163	165	151	131	119
Scotland	207	208	196	180	165
Ireland	219	211	200	189	190
Total, 35 urban areas	190	190	174	154	142

The only increases recorded in the annual averages for the past four years are in regard to Scotland and the extra-metropolitan urban areas for the year 1914, due to the temporary increase in pauperism at the outbreak of the war, and in Ireland for the year 1917, for which an average rise of 1 per 10,000 is shown. With these exceptions the figures for all the districts show a steady

decline throughout the war period, the average rate in December, 1917, for the thirty-five selected urban areas being 27 per cent. lower than in July, 1914, the month immediately preceding the outbreak of war.

Finally, some figures relating to the work of the Distress Committees formed under the Unemployed Workmen Act, 1905, may be added. The numbers of persons in England and Wales receiving relief from these committees during September in each of the five years under consideration were as follows: 1913, 436; 1914, 4,141; 1915, 44; 1916 and 1917, nil. Thus, after a large increase consequent upon the outbreak of war, there was a rapid fall in the claims put forward, and before the end of the second year of war (in June, 1916) they had altogether ceased. (Pages 52-53.)

Report of the Local Government Board (England and Wales). 1916-1917. London. 1917.

Administration of the Poor Law.

Total number of persons in receipt of relief.

The total number of persons in receipt of poor law relief on the 29th December, 1916, was 637,327. (Page 6.)
Monthly Returns of Pauperism During the Year 1916-17.

Pauperism decreased continuously during the first seven months of the year (from April to October), after which the influence of the usual seasonal increase was apparent. This increase continued for four months, but the decrease recommended in March, 1917. At the end of October, the numbers (exclusive of casual paupers, paupers in receipt of medical relief only, and lunatics in lunatic asylums) were the lowest of the year and stood at 514,757, as compared with 562,494 at the end of October, 1915.

This general decline in pauperism took place almost uniformly over the whole of England and Wales. The numbers on the last Saturday in each month of the year 1916-17 are set out for England and Wales in the Table in the Appendix No. 1. (Page 10.)

Great Britain. Report of the Local Government Board (England and Wales), 1917-1918. London, 1918.

Part III. Administration of the Poor Law.

Total number of persons in receipt of relief.

The total number of persons in receipt of poor law relief on the 29th December, 1917, was 586,785.

As compared with the number (637,327) for the 30th December, 1916, this shows a large reduction of over 50,000 paupers in the course of the year. (Page 36.)

Monthly Returns of Pauperism During the Year 1917-18.

Pauperism decreased continuously during the first seven months of the year (from April to October), after which the influence of the usual seasonal increase was apparent. This increase continued for three months, but the decrease recommenced in February, 1918. At the end of March, the numbers (exclusive of casual paupers, paupers in receipt of medical relief only, and lunatics in lunatic asylums) were the lowest of the year and stood at 474,720, as compared with 521,093 at the end of March, 1917. This general decline in pauperism took place almost uniformly over the whole of England and Wales. (Pages 39-40.)

Part IV. Special Work Arising Out of the War. The Prevention and Relief of Distress.

The exceptionally favorable conditions of employment which prevailed during the previous two years continued in the twelve months now under review, and, with the exception of the East Coast towns and the districts affected by air raids, the work of the local representative committees has again been limited to temporary assistance in sporadic cases of distress and the relief of dependents in this country of British civilians interned in Germany. (Page 42.)

Great Britain. Report of the Local Government Board (England and Wales). 1918-1919. London, 1919.

Part III. Administration of the Poor Law.

Total Number of Persons in Receipt of Relief.

The total number of persons in receipt of poor law relief on the 28th December, 1918, was 554,617.

As compared with the number (586,785) for the 29th December, 1917, this shows the large reduction of over 30,000 persons in the course of a year. (Page 88.)

Monthly Return of Persons Relieved During the Year 1918-19.

The number of persons relieved decreased during the first six months of the year (from April to September), with the exception of a small increase in July, after which the influence of the usual seasonal increase was apparent. This increase continued for six months, and at the end of March the numbers (exclusive of casuals, persons in receipt of medical relief only, and lunatics in lunatic asylums) stood at 465,579, as compared with 474,720 at the end of March, 1918.

This general decline in the number of persons relieved took place almost uniformly over the whole of England, but from November, 1918, to March, 1919, the figures for Wales were from 1.7 to 5.2 higher than in the preceding year. (Page 92.)

Old Age Pensions. Number of Claims to Pensions.

. . . . It will be seen that the number of claims made during each year since the 31st March, 1916, was considerably less than the number made in the four preceding years. A marked decline is shown for the year ended the 31st March, 1915, but the claims made in the four following years were respectively 17.6, 16.8, 17.3 and 14.9 per cent. less than in the year ended the 31st March, 1913, if the year last-mentioned be taken as representing an average year. It is probable that the

reduction in the number of claims during the war results from increased income received by many of the aged poor owing to (1) the grant of dependents' separation allowance in respect of unmarried sons or grandsons in the Navy or Army, and (2) the shortage of labour and the consequent opportunity of obtaining employment at comparatively high wages. (Page 94.)

Part IV. Special Work Arising Out of the War. The Prevention and Relief of Distress.

During the period immediately following the outbreak of war there was considerable dislocation, and temporary assistance was afforded by Local Representative Committees in a large number of cases. The situation, however, rapidly improved and by the end of 1915 problems arising out of unemployment amongst the industrial classes had almost disappeared. The favourable conditions of employment continued throughout the war and, with the exception of the East Coast towns and the Isle of Man and districts which had suffered from air raids, the work of the Local Representative Committees has been confined to the provision of temporary assistance in isolated cases of distress. Since the armistice there has been a considerable change in the conditions of employment, but as a result of the institution of the out-of-work donation there has been no material change in the work of the Local Representative Committees. (Page 98.)

Social Administration including The Poor Laws. JOHN J. CLARKE, *M.A., F.S.S. London. Pitman. 1922.*

Since the passing of the Poor Law Amendment Act, 1834, the number of paupers receiving relief in England and Wales has steadily declined with an occasional fluctuation. . . . . During the past 25 years the improvement has been even more manifest as is shown in the table given on page 312, taken from the Report of the Ministry of Health, 1919-1920. (Page 311.)

Statement showing the Mean Numbers of Persons in Receipt of Poor Law Relief in England and Wales, and the Rates per 1,000 of the Estimated Population: Years 1895-96 to 1919-20.

Mean Numbers of Persons (not being Lunatics in County and Borough Asylums, Registered Hospitals, and Licensed Houses, or Casuals) in Receipt of Relief:—

Year ended March	Total — Mean Numbers	Total — Rates per 1,000 of Estimated Population
1911	782,991	21.9
1912	675,532	18.7
1913	676,985	18.6
1914	641,832	17.6
1915	644,440	17.4
1916	590,655	15.9
1917	541,110	14.4
1918	501,853	13.3
1919	469,404	12.5
1920	478,761	12.7

(Part of table.) (Page 312.)

Report of the Local Government Board for Scotland, 1916. London. 1917.

Poor Law.

The total number of persons in receipt of relief in Scotland at 15th May, 1916, was noticeably smaller than at the corresponding date of the previous year. This decline in pauperism was, of course, most marked in the industrial areas, but, generally speaking, most parishes showed a decrease in the number of poor chargeable. This satisfactory condition of affairs is directly attributable to the favourable conditions of employment to which we referred last year, conditions which grew increasingly advantageous during 1916. (Page viii.)

As compared with last year (1915) there has been a decrease of pauperism of 7,215, a result due to the great increase in the demand for labour—both male and female—consequent upon the war. (Page ix.)

Report of the Local Government Board for Scotland, 1917. London. 1918.

Poor Law.

As compared with last year (1916) there has been a decrease of pauperism of 6,078, a result due to the great increase in the demand for labour—both male and female—consequent upon the war. (Page xxvi.)

Report of the Local Government Board for Scotland, 1918. London. 1919.

Poor Law.

As compared with last year (1917) there has been a decrease of pauperism of 6,282, a result due to the great increase in the demand for labour—both male and female—consequent upon the war. (Page xlii.)

Report of the Local Government Board for Scotland, 1919. London. 1920.

Poor Law.

As compared with last year (1918) there has been a decrease of pauperism of 1,783. (Page xliv.)

Great Britain. Board of Education. Annual Report for 1916 of the Chief Medical Officer of the Board of Education. (England and Wales.) London. 1917.

The decline in school feeding in 1915 and 1916 is remarkable. Fewer children are being fed today at the cost of the State than when the Acts were first put in operation. Before the war the average number of children fed per annum was approximately 150,000. In 1915

it was 422,000, and in 1916 117,000. Immediately on the outbreak of war the figures rose rapidly, but after October 1914, they as rapidly declined. The following returns, for instance, show the number of children requiring free meals in the early days of the war in Birmingham, as compared with corresponding periods in the years 1915 and 1916:—

Week ended	Daily Average of Meals Supplied			Total Number of Meals Supplied		
	1916.	1915.	1914.	1916.	1915.	1914.
Oct. 14 ..	103	299	9,083	720	2,090	63,580
Oct. 21 ..	99	301	6,663	696	2,106	46,642
Oct. 26 ..	101	293	5,935	708	2,054	41,548
Nov. 4 ..	109	290	5,217	763	2,031	36,520
Avge. for 4 weeks .	103	296	6,725	722	2,070	47,073

The causes of this decline are obvious. There was a great increase in wages associated with a rapid increase in employment. In due time this profound social change reflected itself in the homes of the people and in the feeding and clothing of the children. The evidence from school doctors and the Board's medical inspectors in all parts of the country is to the effect that in 1916 the children were, on the whole, better fed and better clothed than at any time since medical inspection was introduced. There were no doubt exceptions, but broadly there can be no question of the betterment which revealed itself. Hence the demand for school feeding disappeared and the evidence of the malnourished child became less conspicuous. (Pages 141-142.)

Great Britain. Board of Education. Annual Report for 1917 of the Chief Medical Officer of the Board of Education. (England and Wales.) London. 1918.

178. The experience of the School Medical Service in 1918 has been significant from two points of view.

First, medical inspection has shown an improvement in the nutrition of the children examined; secondly, representative authorities have found by inquiry that, in spite of the food restrictions (up to the spring of 1918), school children are faring well in regard to food. As illustration of the first characteristic, it will be sufficient to quote the report by Dr. Hamer for London (an area which undertakes, as a rule, about as much school feeding as the rest of the country put together): "The progressive reduction in the number of children found with poor nutrition has been maintained, the figures in this respect being better for 1917 than 1916, and (for the leavers) less than half the pre-war figures. It is noteworthy that this reduction has been continued right up to the end of 1917. On the other hand, the percentage of children returned as of good nutrition, as opposed to fair nutrition only, has shown diminution. This is no doubt to be explained by the anxiety of many parents to fall in with the voluntary rationing schemes suggested by the Food Controller." (Page 131.)

179. That London is not unique in this respect, two typical areas, one urban and one rural, may also be reported. Dr. Fraser (Hull) states his experience throughout the year as follows:

"The results found under the head of nutrition are extremely satisfactory, considering that at the end of the year the country had entered on the fourth year of the War, and that rationing, though not yet legally compulsory, had practically become so on account of the high price of provisions. Taking both sexes together, the percentage proportion of children of all ages whose nutrition was reported to be normal was 80.1, comparing favourably with the figure for last year, which was 76.53; on the other hand, the number reported as 'excellent' was slightly reduced, 8.18 per cent., as against 9.69 per cent. To counterbalance this the numbers under the heads of 'below normal' and 'bad' are both less than last year, 11.50 per cent. and .22 per cent., as against 13.34 per cent. and .44 per cent. respectively."

. . . . With regard to nutrition, Dr. May reports for the schools in the St. Alban's Urban District:—"In most of the schools I noticed that the children appeared better nourished than usual. This has also been noticed by the head teachers, and is due, no doubt, to increased wages." Dr. Dunn, for his district, reports:—"I have seen no evidence of malnutrition owing to want of food." Dr. Buchanan, for his schools in the Watford Urban District, states:—"There has been a steady decline in the number of ill-nourished children notified during the War; owing to abundant employment and high wages, the poorest classes have more money to spend on food." Dr. Evill, for the Barnet Urban District, states:—"I noticed fewer children obviously suffering from under-feeding; most cases of children obviously under-nourished were tuberculous."

180. The quarterly returns furnished by the Local Education Authorities throughout 1917 indicated almost universally a considerable decrease in the amount of school feeding as compared with the previous year, because children were being sufficiently fed otherwise. Several interesting inquiries were made which threw light upon the subject.

(i) An inquiry held in May, 1918, by the Local Education Authority, into the physical condition of children in Lancashire furnished some interesting information. It appears that the maximum need for the provision of meals occurred in October, 1914, when meals were supplied in 92 schools. The number of individual children fed at the schools was 2,948 out of a total average attendance throughout the county of 127,000. In May 1918 it was only necessary to make provision for feeding in one school situated in a slum area outside Liverpool. There are a number of communal kitchens in the area for the use of children and adults. The physical condition of the children is stated by the School Medical Officer (Dr. Butterworth) to be better than ever. In support of this opinion, Dr. Ferguson mentioned the case of a

school which prior to the War contained a constant stratum of 30 children backward from physical causes. Under improved conditions of labour the children are better cared for, and this class of difficult children has disappeared. The general impression obtained from this inquiry is that the nutritional condition of the children is satisfactory. (Page 132.)

(iii) A valuable inquiry was undertaken in January 1918 in Bedfordshire, concerning the manner in which school children were being affected by the food problem. A questionnaire was addressed to all head teachers, and the questions and summary of replies are given below . . .

The Director of Education states that from an examination of the replies "he is forced unhesitatingly to the opinion that on the whole the children *at present* are not adversely affected by the food problem, but are actually better clothed, better shod, better fed, and in better health than they were in pre-war days. These replies confirm what the Acting School Medical Officer and the Director of Education had observed on the occasion of their visits to schools. This satisfactory condition of affairs is undoubtedly due to the fact that even with the shortage of food the children are provided with more food than in pre-war times, as their parents are financially better off and can buy more food even under present conditions than they could in times when food supplies were greater and wages lower." (Pages 133, 134.)

Great Britain. Board of Education. Annual Report for 1918 of the Chief Medical Officer of the Board of Education. (England and Wales.) London. 1919.

The number of necessitous children fed during the year ending 31st March, 1919, is the lowest on record since power was given to Local Education Authorities to make arrangements for the provision of meals to school children. This undoubtedly resulted from the fact that unemployment was practically non-existent during the

year, and there was consequently a lessened need for free meals.

The following table gives the important figures concerning this service for two years preceding the outbreak of war and the succeeding years:—

Year.	Number of Authorities which fed under the Act.	Total Number of children fed in the Year.	Total Number of Meals supplied in the Year.	Av. Total Cost per Meal in Pence
1912-3	137	358,306	19,001,729	2.32
1913-4	98	156,531	14,525,593	2.43
1914-5	134	422,401	29,560,316	2.47
1915-6	116	118,114	9,957,634	4.1
1916-7	94	65,301	5,777,147	5.42
1917-8	88	60,633	6,518,174	5.26
1918-9	86	52,490	5,502,063	5.87

In this connection it is interesting to compare the returns of Local Education Authorities for the year ending 31st March, 1914, the last normal year before the outbreak of war, with those for the year ending 31st March, 1919, showing the total numbers of meals provided in each year. Some of the most striking instances are as follows:—

Area	——Number of Meals Supplied—— Year ending 31st March, 1914.	Year ending 31st March, 1919.
Birmingham	269,719	13,587
Bristol	249,385	21,731
Hull	196,638	58,115
Leeds	136,535	3,409
Newcastle-on-Tyne	204,752	74,502
Ashton-under-Lyne	46,696	8,400
Barking Town	35,255	7,251
Cardiff	18,326	105

(Pages 174-175.)

Dr. Hamer (London) writes:—

In both sexes and at all ages there was a continuous decline in the percentage of children returned as poorly

nourished, and in each section the number of such children was in 1918 less than half the number found in 1913. The entrant infants continue to be better nourished than their elder brothers and sisters. (Page 175.)

231. Dr. Hamer's report is as follows:

As in 1917, the number of children receiving free meals remained phenomenally low, but the presence of food restrictions was becoming increasingly felt. (Page 181.)

[Dr. Chetwood of Sheffield:]

"Happily in 1918 the school doctors were able to report a decided improvement in the nutrition of the children. This finding has been fully confirmed by the unprecedented reduction in the number of children on the free meals list, and it must be remembered that this has taken place in spite of the necessary restrictions on the food supply." (Page 182.)

Great Britain. Ministry of Health. First Annual Report, 1919-1920. London. 1920. Part IV. Administration of National Health Insurance.

Repayment of State Portion of Contributions in Low Wage Cases.

As stated on page 55, an employer was required from July, 1918, to stamp the cards of all ordinary employed contributors at uniform rates (7d. or 6d. a week) and where the State contribution of 1d. a week was due he was entitled, under Section 9 of the Act of 1918, to submit on the appropriate form a claim for the return of the State contribution in respect of all workers paid by him at the low wage rate.

For the first half-yearly period (July to December, 1918) that the revised scheme was in operation, a sum of £279 0s. 4d. was paid in respect of claims from 141

employers, and for the succeeding half-year, the payments were about the same.

These figures show a great reduction in the amount of the State grant to low wage earners, as compared with periods prior to the passing of the 1918 Act; this may be attributed to:—

(1) The higher level of wages prevailing in all trades since the beginning of 1918 and the tendency to a further increase. (Page 57.)

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F. H. STEPHENS,
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District of Columbia.

FELIX FRANKFURTER,
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Assisted by

MARY W. DEWSON,
Research Secretary,
National Consumers' League.

February 5, 1923.

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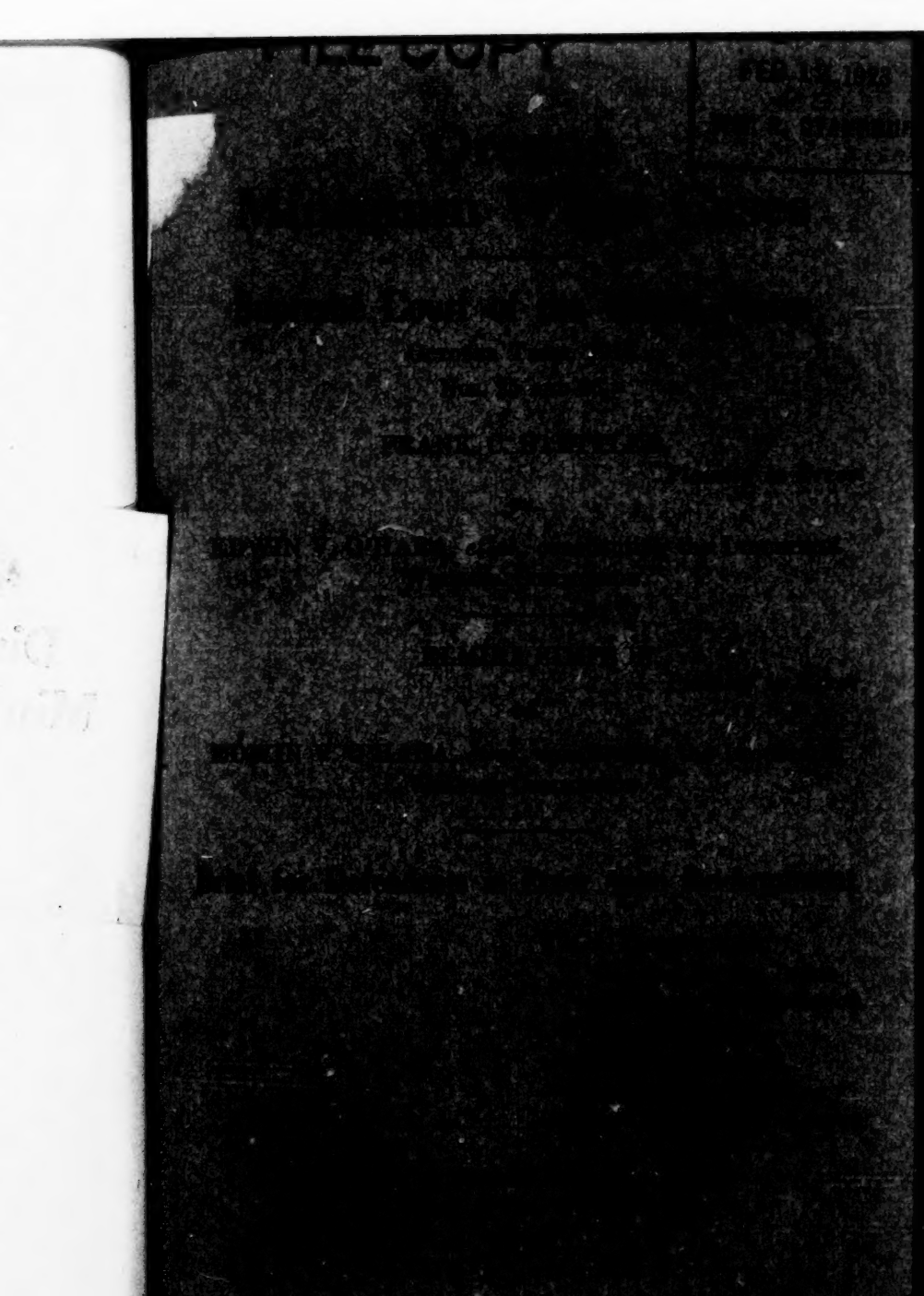

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Vernon vs. *Bethell*, 2 Eden., 110, 113 ..... A 46, 47
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Western Union vs. *Con. Milling Co.*, 218 U. S., 406 ..... A 47
Western Union vs. *Richmond*, 224 U. S., 160, 167 ..... A 6
Willcox vs. *Consolidated Gas Co.*, 212 U. S., 19 ..... A 25
Williams vs. *Johnson*, 239 U. S., 414 ..... A 46

INTRODUCTORY NOTE.

For the first argument of this case in December, 1914, Part Second of this brief was prepared under the direction of Mr. Louis D. Brandeis before his nomination by President Wilson as associate justice of the Supreme Court of the United States.

For re-argument, it has been amplified and brought down to date, all publications since 1914 being placed first, under each separate head.

SUPREME COURT OF THE UNITED STATES,

OCTOBER TERM, 1916.

NOS. 25 AND 26.

FRANK C. STETTLER,
Plaintiff in Error,

vs.

EDWIN V. O'HARA, *et al.*, constituting the Industrial Welfare Commission.

ELMIRA SIMPSON,
Plaintiff in Error,

vs.

EDWIN V. O'HARA, *et al.*, constituting the Industrial Welfare Commission.

BRIEF FOR DEFENDANTS IN ERROR UPON RE-ARGUMENT.

ARGUMENT.

Statement of Cases.

These are writs of error to review the decrees of the Supreme Court of Oregon, affirming the decrees of one of the Circuit Courts of Oregon, dismissing suits by Frank C. Stettler and Elmira Simpson, respectively, (hereinafter called plaintiffs), to vacate an order of the

Industrial Welfare Commission of Oregon and enjoin its enforcement. This order provided that no manufacturing establishment in the City of Portland shall employ "any experienced, adult woman worker, paid by time rates of payment, in said establishment at a weekly wage of less than $8.64, any lesser amount being hereby declared inadequate to supply the necessary cost of living to such woman factory workers, and to maintain them in health."

Facts.

The facts, briefly, are these:

Oregon on February 17, 1913, provided, among other things, that

> "Whereas, the welfare of the State of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals, and inadequate wages and unduly long hours and unsanitary conditions of labor have such a pernicious effect, therefore
>
> Sec. 1.—It shall be unlawful to employ women in any occupation within the State of Oregon . . . for wages which are inadequate to supply the necessary cost of living and to maintain them in health. . . .
>
> Sec. 10.—For any occupation in which only a minimum time wage rate has been established, said commission [the Industrial Welfare Commission] may issue to a woman physically defective or crippled by age or otherwise, a special license authorizing her employment at such wage less than said minimum time rate wage as shall be fixed by said commission and stated in said license." (Chap. 62, Laws of Oregon, 1913, pp. 92, 97.)

The Act provides as the machinery for determining the adequacy of wages prevailing at different times and in different localities and trades, and for enforcing the above prohibition, an "Industrial Welfare Commission," of which the defendants are the first appointees. That Commission, pursuant to Sec. 8 of the Act, appointed a conference on wages, hours and conditions of work in manufacturing establishments in Portland, the nine conferees consisting in equal numbers of representatives of the manufacturers and of the employees affected, and of the general public. Pursuant to a unanimous report of this conference (Stettler, R., 6-7; Simpson, R., 7-8) the Industrial Welfare Commission entered the following order:

> "No person, firm, corporation or association owning or operating any manufacturing establishment in the City of Portland, Oregon, shall employ any woman in said establishment for more than nine hours a day or fifty-four hours a week; or fix, allow or permit for any woman employee in said establishment, a noon lunch period of less than forty-five minutes in length; or employ any experienced adult woman worker, paid by time rates of payment, in said establishment at a weekly wage of less than $8.64, any lesser amount being hereby declared inadequate to supply the necessary cost of living to such women factory workers, and to maintain them in health" (Stettler, R., 7-8; Simpson, R., 8).

The plaintiff, Stettler, is a paper box manufacturer in Portland. (Stettler, R., fol. 12.)

The plaintiff, Simpson, is in his employ at a weekly wage of $8.00. (Simpson, R., fol. 15.)

The plaintiffs made no claim that Simpson was not an "experienced, adult woman worker" within the facts

as found by the Industrial Welfare Comimssion, and neither plaintiff invoked the provisions of Sec. 10 of the Act for a special license authorizing employment at less than the minimum time rate wage of $8.64 fixed by the Commission. Nor did either plaintiff seek to review the findings of the Commission as wholly unfounded in fact and therefore without basis in law, which right of review is provided by Sec. 16 of the Act. On the contrary, without challenging the correctness of the facts found by the Commission or attempting to avail themselves of the provision for relief from such finding by license, the plaintiffs brought separate suits to enjoin the enforcement of the order of the Commission (Stettler, R., 5; Simpson, R., 5). The complaints were denied upon demurrers, and decrees dismissing the suits were affirmed by the Supreme Court of Oregon (Stettler, R., 25-26; Simpson, R., 15-16).

The opinions of the Supreme Court of Oregon are now reported in *Stettler* v. *O'Hara,* 69 Or., 519 (Stettler, R., 14 *et seq.*), and *Simpson* v. *O'Hara,* 70 Or., 261 (Simpson, R., 14). The Oregon Supreme Court sustained the constitutionality of the Act against attacks based both upon the Oregon and the United States Constitutions.

As to the validity of the Act under the Oregon Constitution the decisions of the Oregon Supreme Court put an end to the matter.

The cases are now here on objections based upon the Fourteenth Amendment.

Outline of Plaintiffs' Claims.*

The plaintiffs make a threefold attack upon the substantive provisions of the Act and the machinery for its enforcement.

Oregon, it is claimed, was prohibited from enacting this legislation by

the equal protection clause;
the privileges and immunities clause;
the due process clause.

(1) The equal protection clause may be dismissed summarily, at the outset of this brief, because it will be covered by the brief of the Attorney-General of Oregon. Suffice it to say here that the case presents a simple application of the doctrine of appropriate classification now rendered commonplace by a long series of decisions (*Quong Wing* v. *Kirkendall*, 223 U. S., 59; *Jeffrey* v. *Blagg*, 235 U. S., 571; *Hadacheck* v. *Los Angeles*, 239 U. S., 394; *Rast* v. *Van Deman*, 240 U. S., 342, 357; *Armour & Co.* v. *North Dakota*, 240 U. S., 510, 517). In this instance there is a patent appropriateness in classifying the City of Portland differently from the rural communities in Oregon as to the cost of living and the different wage basis to maintain such living.

(2) Similarly, the privileges and immunities clause is not separately discussed here because it involves no considerations separate from those raised by the due process clause. (Cf. opinion in *Simpson* case, Simpson, R., 14.)

*The Constitutional objection set up by the two plaintiffs are substantially identical and call for substantially the same discussion. Where differences exist they will be noted where they occur.

In fact the clause is wholly irrelevant to the present case. Stettler and Simpson are here not asserting any rights peculiar to citizens of the United States as distinguished from citizens of Oregon, or, for that matter, from non-citizens of Oregon.

(3) The due process clause may likewise summarily be disposed of in so far as it is invoked on the ground

a. That the Act denies plaintiffs the right to have the reasonableness of the order judicially reviewed because there is in fact opportunity for judicial review similar to that which this court has held adequate as to public utilities commissions and other administrative bodies. (Sec. 16 of the Act.) *Pacific Live Stock Co.* v. *Oregon Water Board,* 241 U. S., 440, is the last of a series of cases which disposes of this objection.

b. That the Act confers legislative power upon the Commission and the conference. This contention is not open for discussion before this court. The extent of delegating such power upon administrative boards is for Oregon to determine and not controlled by the Fourteenth Amendment. (*Welch* v. *Swasey,* 214 U. S., 91, 104; *Soliah* v. *Heskin,* 222 U. S., 522; *Western Union* v. *Richmond,* 224 U. S., 160, 167.) On its merits, it is no more "delegation" than has been repeatedly sanctioned by this Court (*e. g., Mutual Film Corporation* v. *Ohio Industrial Commission,* 236 U. S., 230, 245, 246).

The plaintiffs' contentions, therefore, reduce themselves to a claim under the due process clause in its central feature, namely, have they been deprived of liberty or property without due process of law?

The decision in this case will, in effect, determine the constitutionality of all the statutes in force in the United States relating to a minimum wage for women, namely, the laws of Arkansas, California, Colorado, Kansas, Massachusetts, Minnesota, Nebraska, Oregon, Utah, Washington, Wisconsin, and will likewise prevent the trial of this legislation which has been awaiting, all over the United States, the fate of the Oregon Act.

Marshall's Canon.

We believe this case reduces itself, simply enough, to an application of Marshall's canon of constitutional construction to the complicated and extensive facts of modern industrial life and, more particularly, to those in Oregon.

> "Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional" (*M'Culloch* v. *Maryland,* 4 Wheat., 316, 421).

The Issue.

There is a specific state of facts, depending upon a specific scheme of legislation, before this Court in this case and not a general or vague theory of wage fixing by legislation. Throughout, our discussion will be focussed on this specific controversy. We believe the following accurately formulates the precise issue:

> *An Act having been adopted by the State of Oregon, "dictated by the welfare of the State" to "protect women and minors" "from conditions of labor which have a pernicious effect upon their health*

and morals" and from "inadequate wages," and which seeks these objects by forbidding the employment, in any occupation, of adult experienced women workers at wages "inadequate to supply the necessary cost of living to women workers and maintain them in health," and such minimum wage for manufacturing establishments in the City of Portland having been ascertained and fixed by the Commission to be $8.64 per week and this amount, $8.64, conceded to be not in excess of said living necessities, and having been so fixed in accordance with the findings of a conference for the particular industry, in which both the employers and employees were represented and had full opportunity for hearing; and the said Act having a provision (Sec. 10) *that even the minimum requirements should not be required where the Commission should "issue to a woman physically defective or crippled by age or otherwise" a special license authorizing her employment at such a wage less than said minimum time rate wage as shall be fixed by said commission and stated in said license; and said Act having a provision* (Sec. 16) *that "there shall be a right of appeal from said commission to the Circuit Court of the State of Oregon for Multnomah County from any ruling or holding on a question of law included in or embodied in any decision or order of said commission, and, on the same question of law from said Circuit Court to the Supreme Court of the State of Oregon"; and the plaintiff, Stettler, having continued to employ in his paper box factory in Portland, adult experienced women workers, not shown or alleged to be "physically defective or crippled by age or otherwise" at wages less than the said minimum of $8.64 per week, without having applied for or been denied such special license from the Commission; and the plaintiff, Simpson, having continued to accept from the said employer, Stettler, wages less than the said minimum, without having applied for or been denied such special license, and without now alleging or showing that she is "physically defective or crippled by age or otherwise"; are they or either of them entitled*

to a reversal of the decrees of the Supreme Court of Oregon dismissing their complaints to enjoin the enforcement of the order of the Commission and refusing to declare the legislative Act arbitrary, wanton or spoliative, and therefore not in excess of the legislative power of the State, as limited by the Due Process Clause?

Outline of Argument.

We shall contend:

I.—Oregon by this legislation aimed at "ends" that are "legitimate and within the scope of the Constitution."

II.—The "means" selected by Oregon are "appropriate and plainly adapted" to accomplish these ends.

III.—No right of the plaintiffs secured under the Constitution of the United States "prohibits" the use of these appropriate means so adopted by the State of Oregon to accomplish these legitimate public ends.

POINT I.

"The end is legitimate and within the scope of the Constitution."

The first point in Marshall's canon is that the end sought by legislation must be "legitimate and within the scope of the Constitution." That this primary requirement is met in this case cannot be, and practically is not denied, but we proceed briefly to explain the purposes sought by the Oregon legislature.

First.—Charged with the responsibility of safeguarding the State's welfare, the Oregon legislature was confronted with the outstanding fact that the "welfare of the State of Oregon required that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals, and inadequate wages and unduly long hours, and unsanitary conditions of labor have such a pernicious effect."

This statement of the preamble of the Act is based upon indisputable facts. In summary of the overwhelming array of details which are contained in Part Two of this brief, it is only necessary to say here that the minimum cost in Oregon, corroborated by many other authoritative findings from all over the United States, for the rudimentary needs of the body, in the year 1912, as disclosed by investigation preceding this legislation, were:

BUDGET No. 1.

Minimum Possible Living Budget of Women Workers in the City of Portland.

OREGON.

	Per Year.	Per Week
Room and Board	$300	$5.77
Clothing	130	2.50
Laundry Bills	25	.48
Carfare	30	.58
Doctor's Bills	15	.29
Total	$500	$9.62

BUDGET No. 2.

Minimum Possible Living Budget of Women Workers Outside of Portland, (Information Obtained from Ashland, Baker, Eugene, Forest Grove, LaGrande, Medford, Oregon City, Pendleton, Salem and Vale.)

	Per Year.	Per Week
Room and Board	$278.62	$5.36
Clothing	137.50	2.64
Laundry	16.00	.31
Carfare	21.00	.40
Doctor and Dentist	18.00	.35
Total	$471.12	$9.06

These budgets appear at p. 366 of Part Two of this brief.

This being the bare living cost for women factory workers in Oregon it was before the legislature that 48.1 per cent. of the factory workers in Portland were paid less than $8.00 per week (Part Two, p. 383) and 60.1 per cent. were paid less than $9.00 per week (Part Two, p. 383).

These cases come up from Portland and therefore involve the conditions which requires budget No. 1.

On this basis it appears that the Oregon Legislature was obliged to consider ways and means for meeting the following deficit.

DEFICIT.

Minimum weekly amount necessary to keep a normal experienced woman factory worker (not "physically defective, or crippled by age, or otherwise") alive and in working order, in Portland, is, per week	$9.62
The prevailing weekly amount which employers were paying such women for such working energy averaged less than	8.00
Deficit between cost of living and weekly wage	$1.62

Alarming public evils were found to have resulted, and threatened in increasing measure, from the widespread existence of this deficit. The public health of large sections of the present generation was suffering from undernourishment, bad housing conditions, and insufficient medical care. The coming generation was similarly threatened. Standards of morals were being lowered. All that we call civilized life drifted gradually towards degradation. The economic efficiency of industry and its productiveness were wastefully limited, the fruitful use of industrial resources were restricted. In its immediate effects financial burdens were being imposed upon the State which threatened excessive and unremunerative taxation for the support of charitable and quasi-charitable institutions of the alleviative rather than the preventive type. Industries supporting male workers were being drawn upon to assist in supporting women workers engaged in other industries, which were refusing to carry their cost.

In a word, here, if ever, was presented a community problem, a problem affecting the State in its pervasive entirety.

Second.—The purpose of the statute was to provide for this deficit between the cost of women's labor—i. e., the means necessary to keep labor going—and any rate of women's pay below the minimum level for living and so to eliminate all the evils attendant upon such deficits on a large scale.

No one claims, surely not the plaintiffs, that Oregon in this legislation was actuated by a desire to gratify any public venom or mob spirit against individuals in

order to injure them. On the contrary, complaint is made either of the futility of Oregon's efforts, or of the economic unwisdom of what is admittedly a *bona fide* attempt by Oregon (and the other legislatures) to accomplish the public ends indicated. In a word, the ends toward which this legislation was directed were the ends that are the very life of the State, namely, the health and civilized maintenance of this generation, and the healthy and civilized continuance of generations to follow.

POINT II.

The means selected by Oregon "are appropriate" and "plainly adapted" to accomplish the legitimate end.

The second part of Marshall's canon reads as follows:

> "All means which are appropriate, which are plainly adapted to the end * * *."

This states the broad scope of the question. But there can be no doubt that Marshall, if he were speaking to-day, would, without changing his central point of view, have phrased it in a slightly different form. Instead of saying "plainly adapted" he would have said "not plainly unadapted." This has been the spirit of the later formulas. The recurring adjectives used by the court are "arbitrary," "wanton" and "spoliative," and this is the thought that underlies the decisions (*e. g., Jones* v. *Brim,* 165 U. S., 180, 182; *Booth* v. *Illinois,* 184 U. S.,

425, 429; *Lemieux* v. *Young,* 211 U. S., 489, 496; *McLean* v. *Arkansas,* 211 U. S., 539, 548; *Grenada Lumber Co.* v. *Mississippi,* 217 U. S., 433, 441-2; *Noble State Bank* v. *Haskell,* 219 U. S., 104, 110-11; *Chicago, Burlington & Quincy Co.* v. *McGuire,* 219 U. S., 549, 567-8; *Central Lumber Co.* v. *South Dakota,* 226 U. S., 157, 160-1; *Schmidinger* v. *Chicago,* 226 U. S., 578, 588; *Erie R. R. Co.* v. *Williams,* 233 U. S., 685, 699, 704; *Chicago & Alton R. R.* v. *Tranbarger,* 238 U. S., 67, 77; *Tanner* v. *Little,* 240 U. S., 369, 386).

This case, however, does not raise any issue as to the possible differences resulting from the difference in philosophic emphasis between "plainly adapted" and "not plainly unadapted." The statute fulfills Marshall's requirement of appropriate correlation of means to end, judged from the angle of sincere respect for the exercise of legislative discretion and the corresponding restraint that keeps this Court from exercising its great powers of negation in the field of politics and policies, as distinguished from the narrow ground of immutable principles which alone the due process clause protects.

First.—From among the alternative means which Oregon might have adopted for accomplishing these public ends the particular one adopted was reasonable and appropriate.

The object of Oregon was, as we have shown, to provide for a disastrous deficit between women's labor cost and their labor pay, so as to eliminate grave public evils and also to promote decent standards of life. The possible alternative courses of action which were open to the legislature in this situation may be summarized as follows:

(1) It could have refrained from action, and submit to the evils as inevitable human misfortunes, subject to no prevention, but only to alleviation through public and private charity.

(2) It could have provided a direct subsidy out of the public treasury to pay a wage equal to the necessary cost of living, just as for other reasons of policy governments have granted subsidies to manufacture.

(3) It could have adopted the Massachusetts method, which seeks to compel the necessary wage increase through intelligent self-interest and the pressure of public opinion rather than by statutory compulsion as the condition of doing business; or

(4) It could have taken the method it did take, which involved a prohibition of the use of women's labor for less than its cost, except by special license from the commission.

There was cumulative testimony, both in the belief of those entitled to express an opinion and in the actual records of experience, that these evils are not inevitable human misfortunes. Oregon was entitled to disprove that lazy gospel of fatalism. From the point of view of effectiveness in accomplishing its purposes (which is the only point of view material on this point of our brief), Oregon's choice as among the three remedial methods of effort surely was not "arbitrary" or "unreasonable." It had the support of a great body of public opinion (*Jacobson* v. *Mass.*, 197 U. S., 11, 31, 34-5; *Muller* v. *Oregon*, 208 U. S., 412, 420; *McLean* v. *Arkansas*, 211 U. S., 539, 548, 549), crystallized not only in the expres-

sion of thinkers, but in the extensive and successful experience of other countries with such legislation (Part Two, pp. 506-748, *infra*), in the fact of such legislation in other States (*infra*, p. 76), and in the voluntary and successful establishment of similar standards by manufacturers (*infra*, Part II, pp. 424-506). This public opinion in Oregon is described by the Supreme Court of the State in its opinion (Stettler, R., fol. 39 *et seq.*).

There is now before this Court not only the persuasive volume of accredited opinion and the experience of other countries (not unlike Oregon either in industrial conditions or legal traditions) vindicating the reasonableness, not to speak of the absence of unreasonableness, of Oregon's legislation, but also the proved effectiveness of Oregon's own experience for three years under the Act. This is now sought to be upset as beyond the State's power in dealing with evils which are yielding under the enforcement of this Act, and that, too, without any of those bad effects which were so recklessly predicted.

Second.—Therefore, even though this Court might think that some other means would have greater chance of effectiveness, it was open to Oregon to try this method unless it was affirmatively prohibited by the constitution.

POINT III.

No rights of plaintiffs secured under the constitution of the United States prohibit the use of the means so adopted by the State of Oregon to accomplish these legitimate public ends.

"The end" then is "legitimate" and "within the scope of the Constitution" and "the means" are "appropriate and plainly adapted" (and *a fortiori* not plainly unadapted) to that end. The only remaining question is: are these means "prohibited" and do they "consist with the letter and the spirit of the Constitution?"

It is not for the legislature of Oregon to demonstrate affirmatively that the Constitution explicitly authorizes the use of these appropriate means for accomplishing its public ends; rather it is for the plaintiffs to show some explicit withdrawal of that power from it. We have seen that the only alleged obstruction to the power "exercised by Oregon, which calls for discussion, is the Due Process Clause in its substantive application: does Orgeon "deprive" Stettler or Simpson of "life, liberty or property without due process of law?"

There are two questions to every issue under the Due Process Clause and it will make for clarity if they are kept distinct. (1) Has there been deprivation of life, liberty or property? (2) If so, what is the justification, *i. e.*, the "due process" of the deprivation?

On the deprivation question, we assume, for the purpose of this discussion, that even the slightest interference with even the most capricious wish of an individual

is a deprivation of "liberty" (using the word in an unqualified sense and not restricting its meaning so as to limit it to a "liberty" regulated by "due process"), and so we concede there has been deprivation here. So long as there is a deprivation of "liberty," it is immaterial whether there is also a deprivation of "property"; but in so far as unrestrained liberty of business action is to be regarded as also a property right, we likewise assume even a nominal deprivation of "property."

The only point, then, for consideration here is whether the deprivation, such as it was, is "without due process of law."

The Court has consistently recognized the futility of attempting an inclusive definition of "due process," but during forty years and more of judicial unfolding, the central ideas that inhere in this constitutional safe-guard have become manifest. A careful study of the long line of cases involving an interpretation of the Fourteenth Amendment, beginning with the *Slaughter-house Cases* (16 Wall., 36), shows two dominant ideas conceived to be fundamental principles: (1) freedom from *arbitrary* or *wanton* interference, and (2) protection against *spoliation* of property. "Arbitrary," "wanton" and "spoliation" are the words which are the motif of the decisions under the Due Process Clause. That is as close as we can get to it, and it is close enough when dealing with the great questions of government. What it means, what all the cases illustrate, is that the Fourteenth Amendment intended to leave the States the free play necessary for effective dealing with the constant shift of governmental problems, and not to hamper the States except where it

would be obvious to disinterested men that the action was arbitrary and wanton and therefore spoliation and unjustified.

First.—The so-called "liberties" of which the plaintiffs claim to have been deprived were merely nominal and theoretical and not asserted bona fide. Therefore it was not "arbitrary," "wanton" or a "spoliation" for Oregon to allow great public interests to prevail over them.

To be sure, the "liberty" protected by the Fourteenth Amendment leaves a man, within limits, to do what he likes and be sole judge of his wishes and interests, but before these rights can be entitled to constitutional protection they must be susceptible of translation into terms of substance and human satisfaction and not merely theoretical caprices, unrelated to real action in a finite world.

In balancing individual rights against the power of a State the Constitution is not "formal rather than vital," and its limitations are not mere "mathematical formulas having their essence in their form" rather than "organic living institutions transplanted from English soil" (*Gompers* v. *United States,* 233 U. S., 604, 610). This Court has avoided the scholastician which seeks to "press the broad words of the Fourteenth Amendment to a drily logical extreme" (*Noble State Bank* v. *Haskell,* 219 U. S., 104, 110; see also *Interstate Railway Co.* v. *Massachusetts,* 207 U. S., 79, 86-7).

> "Constitutional rights like others are matters of degree and the great constitutional provisions for the protection of property are not to be pushed to a logical extreme, but must be taken to permit the inflation of some fractional and relatively small losses

without compensation for some at least of the purposes of wholesome legislation."

"These and other considerations were thought to outweigh a merely logical or mathematical possibility on the other side [*i. e.*, that the improvement might not benefit the land more than its cost]" (*Martin* v. *District of Columbia*, 205 U. S., 135, 139).

"In fact, it would seem from the character of many of the cases before us and the arguments made in them, that the clause under consideration is looked upon as a means of bringing to the test of the decision of this Court the abstract opinion of every unsuccessful litigant in a State court of the justice of the decision against him, and of the merits of the legislation on which such a decision may be founded" (*Davidson* v. *New Orleans*, 96 U. S., 97, 104).

Examination of the present records shows that no *bona fide* claim of any really desired liberty of action is asserted, and it is only the claims that are both asserted and actually involved which can be considered (*Chicago Ry.* v. *Wellman*, 143 U. S., 339, 344; *Hatch* v. *Reardon*, 204 U. S., 152; *Plymouth Coal Co.* v. *Pennsylvania*, 232 U. S., 531, 545; *Jeffrey Co.* v. *Blagg*, 235 U. S., 571, 576; *Lehon* v. *Atlanta*, 242 U. S., 53).

What, then, is the "liberty" which these plaintiffs assert and show to be really curtailed? It is nothing but the "liberty" of not being required to get leave of the Commission before making contracts below a living wage.

It is true that counsel claims they have been deprived of the actual liberty of making the contract itself, but this is to assume, without any basis whatever in either record, that the Commission would have rejected any applications that might have been made.

Neither of the plaintiffs assert that his case is not

within the scope of the license clause (Sec. 10) or that application has been made and refused.

On the contrary, Stettler alleges that all his employees are "experienced, adult women," *i. e.*, not learners or apprentices (*Stettler,* R., fols. 12, 19, 20), and that those he pays less than the minimum "are incompetent by reason of age, inability or otherwise to earn greater wages than they are being paid" (*Stettler,* R., fol. 23); and, similarly, Simpson alleges that she "is an adult, experienced woman in the work aforesaid" (*Simpson,* R., fol. 15) and she makes no allegation that she is not within the class to whom licenses are available, *i. e.*, those "physically defective, crippled by age, or otherwise." In the absence of some proof to the contrary, the Court will, of course, assume that the Commission will grant an appropriate request (*Gundling* v. *Chicago,* 177 U. S., 183, 186; *Mutual Film Corporation* v. *Industrial Commission,* 236 U. S., 230, 245-6; *Lehon* v. *Atlanta,* 242 U. S., 53). Without any showing that applications must have been fruitless, or were made and denied, they are in no position to assert a loss of the right to do what for all that appears they might have been permitted to do.

Their claim, however, is still more fragile. Stettler complains that the statute will necessarily restrict him

> "to the employment only of women who are capable of performing labor sufficient to earn said sum of $8.64 or more and said less competent employees will be prevented from laboring for the plaintiff" (*Stettler,* R., fol. 23).

In other words, the so-called "liberty" which he claims is merely a "liberty" to employ $8 women for $8 instead of $8.64 women for $8.64. Indeed, it may well be

that his business advantage and interest are to employ the smaller number of the more efficient, because that requires a smaller overhead, and may well lead to a superior output, and so would make for greater stability and increased profits (Part Two, pp. 581-596).

Similarly the "liberty" which Simpson asserts is fictitious, theoretical and against her own interest. She makes the remarkable allegation that $8 is the

> "best wages and compensation for her labor *that she is able to receive,* for any employment or labor which she is capable of performing" (*Simpson,* R., fol. 22).

This carefully framed language avoids any allegation that her product is not worth $8.64 at least; and she also avoids any allegation that the act will deprive her of *employment,* but only of *employment with Stettler* (*Simpson,* R., p. 10). It seems plain that here is an "inspired" case filed not in her own interest, but in support of her employer's* (cf. *Chicago Ry.* v. *Wellman,* 143 U. S., 339, 344, 346).

It is true that the statute might possibly involve substantial deprivations of "liberty" to Stettler *if* his object is to employ $8.64 women for only $8, or to Simpson *if* she could not obtain any employment at all at $8.64; but neither Stettler nor Simpson asserts any deprivation of such liberties. On the contrary, as above shown, they

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*"It may not be improper to suggest in this connection that although the prosecution in this case was against the employer of labor his defence was not so much that his right to contract has been infringed upon, but that the Act works a peculiar hardship to his employees, whose right to labor as long as they please is alleged to be thereby violated. The argument would certainly come with better grace and greater cogency, from the latter class." (*Holden* v. *Hardy,* 169 U. S., 366, 369, 397.)

either explicitly deny such claims or carefully refrain from asserting them.

Therefore, such deprivations, being not asserted by the plaintiffs in error, are not for consideration here and the question is reduced to the consideration of the purely fictitious liberties above discussed.

It is proper for the Court in determining whether the liberty asserted is real to consider also the *bona fides* of the claim by which it is advanced. In this particular situation the Court cannot be blind to the fact that the only possible financial or business advantage which could accrue to Stettler from the invalidation of this Statute would be on the hypothesis that it prevents his getting not merely the labor of one particular woman rather than that of another, but getting labor at less than the true value of its product. Is not this Stettler's real grievance, for it is preposterous to suppose that he would really exercise or value, in his actual business operation, the liberty which he here claims, namely, a liberty to employ an inefficient woman in place of an efficient one, if he proposes to pay in either case what the output is really worth.

In short, as a practical proposition it is impossible to escape the conclusion that the liberty which Stettler really is seeking is a liberty to pay an unfair wage.

Nor can it be that Simpson's claim is any more *bona fide*—for the liberty to work for Stettler rather than for another employer cannot be important to her, and the evident purpose of her case is to support the objects of her employer against her own interest.

The question, then, is whether Stettler's alleged right

to employ $8 women for $8 in place of $8.64 women for $8.64, and Simpson's alleged right to employment with Stettler rather than with other employers at a higher pay are "liberties" which reach the level of those protected by the Constitution. It seems to us evident that they are not, but that they are purely theoretical and fictitious claims. The possible conduct which the statute restrains is conduct which (though they *pretend* to desire it) would be contrary to their own real interest and one that does not correspond to the real as opposed to the alleged facts of the situation.

Second.—The alleged deprivations of property are either merely nominal and not bona fide, like the so-called "liberties," or hypothetical and unsubstantiated; and therefore were not dealt with arbitrarily or wantonly or as a spoliation.

As to "property," Simpson shows no deprivation whatever that can be separated from her claim in regard to "liberty," and so no further special consideration of her case is necessary on this point.

Stettler's claim is that he "cannot continue said business if he shall be required to pay each of said women [to wit, the particular women he is now employing at below the minimum price] the sum of $8.64 per week." (Stettler R., fol. 19.)

Before considering other decisive answers to this claim, let us point out one which disposes of it at the threshold; that the statute itself provides him a means of avoiding any property loss, by the provision (sec. 10) already discussed in respect to special licenses. Whatever may be said of a claim that this requirement of application for licenses amounts to a deprivation of "lib-

erty," it certainly cannot be said that it amounts to any deprivation of "property," or that he can assert a deprivation of "property" which could not possibly follow if he applies for and obtains a license. The statute itself safe-guards the right for which he needlessly asks this Court to strike it down. (*Gundling* v. *Chicago,* 177 U. S., 183.)

Even if, however, we should argue from the most generous hypothesis that Stettler had sought a license and been refused, he still does not show any deprivation of property. He does not even attempt to assert that any present loss has actually occurred. At most he predicts that it may occur. His claim is purely a guess. *Non constat* that the operation of the law may not work to his profit and make his business less precarious. In actual operation it may make money for him rather than take money from him. Only experience can determine, and until he shows an adverse experience he is without grievance in his claim to nullify the legislation of a State. He cannot ask this Court to overturn the judgment of the legislature of Oregon on a mere guess, when in fact experience may disprove the guess. (*Willcox* v. *Consolidated Gas Co.,* 212 U. S., 19; *Des Moines Gas Co.* v. *Des Moines,* 238 U. S., 153; cf. *Chicago Railway* v. *Wellman,* 143 U. S., 339, 344-6.)

In the *Eighty Cents Gas* case (Willcox case, *supra*), for example, the Court explicitly made its dismissal of the bill without prejudice to the right of the complainant to return to the Court if the "practical experience of the effect of the acts by actual operation under them" should "prevent the complainant from obtaining a fair return."

(212 U. S., 19, 54-5.) Yet the complainant never returned to the Court, and it is public knowledge that the act really worked out to its profit.

This precedent of the Gas case was followed in *Northern Pacific Railway Co.* v. *North Dakota,* (216 U. S., 579, 580-1). Later on the complainant in that case returned to the Court and laid before it experience which demonstrated in terms of dollars and cents that the Statute did work a deprivation of property. Then, and not till then, was the State's action nullified. (*Same* v. *Same,* 236 U. S., 585.)

Stettler himself has now had over three years experience under the operation of the Act, and in the absence of a showing by him that his experience has actually resulted in putting him out of pocket, his prophesies of disaster cannot prevail. As a matter of fact, the general experience in Oregon during these three years proves that the actual operation does not produce the result he predicted, thereby corroborating the experience of Australia, and England, and other communities. (Part Two, pp. 506-555.)

Of course we do not argue that this statute accounts for the prosperity. A great number of factors enter into that complex result. But it shows that he cannot maintain the position which the Court required the complainants in the *Gas* and *Northern Pacific* cases, *supra* to maintain—namely, affirmative proof that the operation of the very statute assailed puts the specific complainant to loss, *i. e.* measurable diminution of his wealth.

It is true, of course, that the Court is not required to sustain a statute if it can see without waiting for experience that the result must certainly be property loss to

a complainant. That follows from its equity powers to prevent irreparable injury. To make such a case, however, the imminence of the injury must be something more than a mere guess, and something more than a mere partisan claim of a litigant in a situation which involves so "many elements of uncertainty in the calculation." (*Northern Pacific Railway Co.* v. *North Dakota,* 216 U. S., 579, 580-1, *supra.*) The imminence of the injury must be demonstrable as an unavoidable result of the operation of the statute.

This was the point of view of the Court in *Chicago Railway Co.* v. *Wellman,* 143 U. S., 339, *supra*:

> "The silence of the record gives us no information and we have no knowledge outside thereof, no suspicion of wrong. Our suggestion is only to indicate how eagerly courts may be misled into doing grievous wrong to the public, and how careful they should be not to declare legislative acts unconstitutional upon agreed and general statements and without the fullest disclosure of all material facts." (p. 346.)

It may be said that the cases arise on demurrer and this calls for a scrutiny of the complaints. Nowhere does the complaint in either case allege an actual existing loss. It only predicts a possible loss, and even this prediction is based upon a construction of the statute which it does not bear, or a gloomy theory of industrial economics, which experience, so far as we have it, disproves.

Stettler's claim, quoted above, alleges that he will lose his business "if he shall be required to pay each of said women [to wit, the particular women he is now employing at below the minimum price] the sum of $8.64

per week" (Stettler R., fol. 19). But the act puts no such compulsion on him; it does not require him to increase the wages of these particular women. As we have seen, it only forbids his continued employment at less than the fixed minimum without the leave of the Commission, the granting of which, upon appropriate request, this Court will presume in absence of a showing to the contrary. (*Gundling* v. *Chicago,* 177 U. S., 183, 186, *supra; Mutual Film Corporation* v. *Industrial Commission,* 236 U. S., 230, 245-6, *supra.*) If the terms of the statute had prevented Stettler from getting employees on a self-supporting basis, or if his complaint had alleged that it is impossible to find such a supply, we might then have had a case at least of certain deprivation of property in the future, the loss of which equity could forestall in a proper case.

There are two short answers to such a claim. In the first place, the statute in nowise imposes such a restriction, and in the second place, Stettler in nowise alleges that his property will be so affected. The reason he makes no such allegation is that he would thereby call into question the basic assumption of the social structure, for, in effect, it would be tantamount to saying that society cannot be self-supporting, even if human energy is adequately employed and properly directed to productive ends.

Third.—It is not arbitrary, wanton, or a spoliation for the State to require Stettler to pay the cost of Simpson's labor if he chooses to use it.

Stettler's theory is something like this:

For the sake of conserving Simpson's health, etc., the

State wishes her to have more money. In order to provide this the State forbids Stettler to employ her unless he gives to her this additional money. Inasmuch as (according to his theory) there is no relation between himself and her need of this additional money his "liberty" is being limited by purely arbitrary conditions just as if the State should require this, say, of John D. Rockefeller, who is not her employer or concerned with her in any way. This proposition pervades the entire argument of the plaintiffs. (See Brown Brief on the original argument, pp. 10, 15, 16, 17, 22, 27, 33, 34, 39.)

The short answer to this central claim is that Stettler is Simpson's employer and no other person is. He alone has the use of her working energy, to maintain which a cost of not less than $8.64 per week is essential.

From this vital difference of relationship, inherent in his peculiar status as her employer, follow the vital consequences which differentiate him from any other citizen, and furnish the justifications for the imposition of her minimum living cost upon him, as distinguished from any other person in the State.

It is Stettler, and Stettler alone, who receives the benefit of Simpson's working energy, which cannot be produced or maintained by less than $8.64 per week. That is the minimum *cost* of her labor. It provides only for such quantity of food as will preserve her working energy and for such shelter and clothing as will save it from destruction by the elements. This fact is conceded (Plaintiff's Brief on original argument, p. 11) and has been authoritatively and conclusively determined by overwhelming evidence (Part Two, pp. 356-383).

If the status were slave owner and slave, instead of employer and employee, Stettler would have to expend at least this much to keep the slave in fit condition for her work; or if we look upon a human worker in a factory as a mere piece of physical machinery, this weekly sum would represent the minimum actual cost of the coal and repairs it would require for its operation. The significance of this is that the expenditure by someone of every penny of this whole sum of $8.64 upon Simpson goes to the operation of the industry and merely provides for the cost of that operation. It goes to the maintenance of the energy purchased by the employer and devoted to the industry.

Suppose this minimum wage even allows a small balance for civilized demands of the human personality over and above the absolute necessities of preserving the working energy in its mere animal aspect. Even in such a case Stettler's argument would be unsound; but how is it possible to say, as Stettler says, that there is no relation between his industry, which uses all the working energy of Simpson's life, and the bare necessary cost of keeping that life at work? How is it possible to say, as Stettler says, that it is arbitrary, wanton or spoliative for the State to require him to pay the cost of any articles (above all of human beings who in the aggregate make up the State itself) if he chooses to use it? The State does not compel him to use it; all that it says to him is that if he chooses to take its benefit he must pay at least its cost. Even thus limited in its requirement the State is not rigid. It has made provision for variations from the normal, it allows for the diversities among masses

of men, and so it grants Stettler the right to use labor even at less than its cost, if he can show to the Commission a reasonable justification for the issue of a special license.

Stettler's argument, in brief, reduces itself to the familiar one of no "liability without fault," to the claim that the State must show an intimate relation of cause and effect between his industry and Simpson's necessities, before it can impose her living cost upon him. Causation (in so far as there is any implication of culpability) is one of the most slippery concepts of the law and a metaphysic based upon causality is a sterile and dangerous method of approaching constitutional inquiries. In truth, there are many familiar instances prior to the Fourteenth Amendment and therefore recognizing a field for State action not restricted by it, wherein liabilities are imposed, without any notion of fault or moral culpability, but solely because, in the conduct of business, relationships necessarily arise between human beings which involve certain responsibilities towards other human beings. These responsibilities the law enforces.

St. Louis, etc., Railway v. *Matthews,* 165 U. S., 1 (sustaining Missouri statute holding railroad company liable for all property destroyed directly or indirectly by fire from locomotives wholly apart from any question of negligence).

Jones v. *Brim,* 165 U. S., 180 (sustaining Utah statute creating absolute liability, and wholly apart from negligence for damages done by cattle).

Atchison & Topeka Railroad v. *Matthews,* 174 U. S., 96 (sustaining Kansas statute imposing attorney's fees in cases of recovery for damages by fire caused by operating of road).

Chicago Railway v. *Zernecke*, 183 U. S., 582 (sustaining Nebraska statute imposing an absolute liability upon carriers for passenger injuries).

> "Our jurisprudence affords examples of legal liability without fault, and the deprivation of property without fault being attributable to its owner" (p. 586).

Chicago v. *Sturges*, 222 U. S., 313 (sustaining Illinois statute imposing absolute liability upon a municipality when property is destroyed by mob violence).

To a legislature faced with such public problems as confronted the legislature of Oregon the claim that it cannot constitutionally compel a man to pay at least the bare cost of what he uses must seem a long departure from the practical common-sence by which alone human relations can be efficiently adjusted.

Fourth.—The State's action was not arbitrary, wanton or a spoliation because the State's own direct interest in these particular wage contracts gave it a special justification for controlling them.

Assuming, for the purposes of the argument, that an ordinary wage bargain would not be subject to State regulation, that cannot be the case with the particular class of bargains here involved. A contract in which a mere living wage is at stake is not merely the private concern of the employer and the employee, but a tripartite affair involving (1) employer, (2) employees and (3) the public.

If the employer and the employee were completely isolated from all reliance upon the outside public no bargain for employment at less than a living wage would

be possible, because the deficit between the proposed payment for the labor and the cost of its production and maintenance could not be supplied. Without assistance from the public in some form or other no employer could obtain labor below cost nor could any employee give it. In other words, a contract for labor below its cost must inevitably rely upon a subsidy from outside. To the extent of this subsidy the public is necessarily concerned; thereby the public is drawn into the situation; it is not an intermeddler.

This may become still clearer if we frame it in terms of the negotiation which Stettler demands the unconditional right to make with Simpson.

Employer:

> I am to pay to you and you are to receive from me $8 per week. You are to give to me and I am to receive from you *all* your working energy, which has been validly ascertained to consist of ten hours a day.

Employee:

> But, sir, this working energy, of which you are to receive the total, costs at the very least $8.64 a week. How are *we* to get the balance?

Employer:

> We can get it in either of three ways: (1) members of your family engaged in other industries will supply it rather than see you starve, or (2) you can get it from a "friend," or (3) you can get it from public or private charity.

This is a plain case of relying upon a public subsidy for a private interest, and the State has, therefore, a special right to impose conditions upon which the industry or the employee may enjoy the subsidy or even to

refuse it absolutely. Oregon does not refuse it, but merely imposes conditions upon the grant. It demands to be shown that the subsidy is just and necessary to the satisfaction of its Commission. Stettler has no more constitutional right to insist upon this grant in aid of his business than a man who undertook to raise bananas in Connecticut would have to demand, as of right, a public subsidy by way of a tariff. Nor has Simpson any absolute right to give her energies to Stettler's industry if she cannot keep her side of the bargain without public subsidy.

If her output really is worth the cost of her labor, then surely she can have no claim for public assistance. If her output is not worth its cost because of her inefficiency, such inefficiency usually means that she has not been trained to the best use of her capacities. Surely the State may induce such training, stimulate efficiency on the part both of employer and employee, and thereby add to the wealth of the State. Experience demonstrates that in fact such efficiency is powerfully stimulated and productivity enhanced by establishing a minimum wage. (Part Two, pages 539-596.)

If Simpson cannot be trained to yield an output that does pay the cost of her labor, then she can either avail herself of the license conditions imposed by the statute for such cases, or accept the status of a defective to be segregated for special treatment as a dependent of the State. On this point counsel argued in their first brief that the State could not put her in this position unless it provided in advance for her maintenance. (Plaintiff's Brown brief on original argument.) This ignores

the provisions made by the State for special licenses.* Besides, the State may determine how defectives shall be supported, and not be compelled to grant an indirect subsidy. One of the most baffling problems of the modern State is the treatment of those who are incapable of carrying their own weight. The first step in the solution is to know who is self-supporting and who is dependent. The State, therefore, may use means, like the present statute, of sorting the normal self-supporting workers from the unemployables and then deal with the latter appropriately as a special class, instead of an indiscriminate, unscientific lumping of all workers, with a resulting unscientific confusion of standards.

Fifth.—It is not arbitrary, wanton or a spoliation for the State to require Stettler to obtain a license from the Commission before he can buy labor at less than cost, because that is a reasonable means of preventing a possibility of cut-throat and unfair competition, between manufacturers.

If the State could be assured that wage contracts involving purchase and sale of labor will not be made in any substantial number of cases for less than cost, then the State could feel that its requirement of prior scrutiny by the Commission is unnecessary, because if all wage contracts were for the fair value of the produce they would not affect competitive conditions. Experience, however,

* It may be contended that the license clause does not cover every conceivable case of inability to earn a living, because it is limited to (1) learners and apprentices, and (2) women "physically defective or crippled by age or otherwise," Sec. 10. But surely it is incumbent upon the plaintiffs to show that the existing license provisions would be construed so as not to cover their situation before they can be heard to object (*Chicago St. Railway* v. *Anderson*, 242 U. S., decided Dec. 18, 1916); and surely also the State can test this matter as experience reveals other instances for special licenses and cannot be expected to see every future need in advance. (*Price* v. *Illinois*, 238 U. S., 446, 453.)

proves that the State could not safely control its action by such a hypothesis, and that legislation, therefore, may fill the gaps caused by the ignorance or helplessness of laborers and the ignorance or avarice of employers. As against competing employers who accept the dominant standard of dealing towards their employees, and who have a more enlightened view of the far-reaching consequences of wages below the human minimum upon industry, public health, living standards, etc., the unscrupulous and narrow-minded employer may obtain at least a temporary advantage by getting labor at less than its cost. Such an employer takes advantge of a situation so as to draw upon a public subsidy as a fund which enables him to undersell competitors.

This is recognized by counsel for the plaintiffs in error in his brief on the first argument. In several passages including the following:

> "It [the Massachusetts form of statute] naturally results in bringing in line with the employers of more humanitarian tendencies those who, from avarice, neglect, or indifference would remain inactive without some such stimulating incentive." (p. 49.)
>
> "The efficacy of any legislative enactment relating to a minimum wage is not so much from its compulsory features as it is from its encouragement and assistance to the co-operation of those more malevolently inclined for having a higher ethical sense." (p. 79.)
>
> "Even if we admit that it is the ethical or religious duty of an employer to supply this need (*i. e.* the need of a living wage) still there is no legal basis for compelling him to do so." (p. 33.) . . . "It is a need to which except on purely ethical considerations the employer is a stranger." (p. 39.)
>
> "In the purely ethical phases of the question

there is little field for contention; because this as any question of ethics involving the abstract question of duty, of right and wrong, of charity, of benevolence, of sacrifice for others, becomes from its ethical viewpoint more like a question of religion. It must be solved in fact by each individual or each community of individuals according to the dictates of conscience." (p. 47.)

This Oregon statute recognizes the standards to which counsel refer and seeks to protect those employers who desire to apply such standards in their business from the cut-throat competition of those others whom counsel describe as controlled by "avarice, neglect, or indifference."

In truth, the narrow issue between Stettler and Oregon is that Stettler thinks that standards which he recognizes as right should be allowed to find acceptance only by voluntary adoption or, at most, through the coercion of adverse public opinion. In other words, the plaintiff, while recognizing the desirability of making this standard universal in the State of Oregon, asserts that the State is debarred from this particular means of doing so. Plaintiff's position is a new assertion of a familiar philosophy. Plaintiff, in effect, is asserting not merely his individual belief in the doctrine of philosophic anarchy, *i. e.* that action cannot be compelled by legislation, but he is asking this court to say that such a doctrine of philosophic anarchy is incorporated in the Fourteenth Amendment.

Surely it is much too late to yield to such a doctrine. From the very beginning of the subjection of anarchy to law, step by step, the State has restricted the field of unregulated competition by prohibitions enforced

through a great variety of remedies. It has not left right standards to prevail through their inherent reasonableness or through enlightened self interest.

The Chief Justice broadly stated the course of this evolution in *Standard Oil Co.* v. *United States*, 221 U. S., 1.

> "It will be found that as modern conditions arose the trend of legislation and judicial decision came more and more to adapt the recognized restrictions to new manifestations of conduct or of dealing which it was thought justified the inference of intent to do the wrongs which it had been the purpose to prevent from the beginning." (p. 57.)
>
> "It is equally true to say that the survey of the legislation in this country on this subject from the beginning will show, depending as it did upon the economic conceptions which obtained at the time when the legislation was adopted or judicial decision was rendered, that contracts or acts were at one time deemed to be of such a character as to justify the inference of wrongful intent which were at another period thought not to be of that character. But this again, as we have seen, simply followed the line of development of the law of England." (p. 58.)

Throughout this whole course the State has been putting its power more and more on the side of what the prevailing opinion of the time conceives to be right dealing. In the very fact of the prevalence of opinion is found its reasonableness.

The assertion by the State of this power is the history of legislation since the time of Edward I. It is impossible for the State to remain neutral in a contest between men who desire to deal fairly and those who desire to deal unfairly; the State must choose between encour-

aging unfair conduct by keeping hands off or discouraging it by insisting upon fair play.

There is a substantial mass of legislative recognition both of the illegality of unfair competition in general and of selling below cost, in particular, *e. g.*, The Federal Trade Commission Act; The Clayton Act (secs. 2 and 3); The Interstate Commerce Act (sec. 29); State statutes prohibiting price cutting and selling below cost or fair market value are collected in the Report issued by the Bureau of Corporations in March, 1915, entitled "Trust Laws and Unfair Competition" showing that the following States have adopted such laws: Idaho, Nebraska, South Carolina, Alabama, Mississippi, Tennessee, Texas, Arkansas, North Carolina; and general laws covering Oklahoma and Wisconsin. (pp. 192 *et seq.*) The same report shows that this legislation accords with the opinion of economists (pp. 306 *et seq.*) and foreign legislation (pp. 528 *et seq.*).

That such legislation is constitutionally founded, this Court held in *Central Lumber Company* v. *South Dakota*, 226 U. S., 157,

> "It might have been argued to the legislature with more force than it can be to us that recoupment in one place of losses in another is merely an instance of financial ability to compete. If the legislature thought that that particular manifestation of ability usually came from great corporations, whose power it deemed excessive and for the reason did more harm than good in their State, and that there was no other case of frequent occurrence where the same could be said, we cannot review their economics or their facts." (p. 161.)

Sixth.—It is not arbitrary, wanton or a spoliation for the State to require the consent of the Commission before allowing an employee to sell labor below cost, because that is a reasonable means for preventing unfair competition between employees.

Similar considerations apply to competition between employees, because an employee who sells her labor for less than its cost, availing herself of outside subsidies, is unfairly competing against other seekers for similar employment. The State might even have prohibited such contracts altogether even in cases where the product was not really worth the cost, because of the effect that such bargains have in dragging down the general standard and encouraging wider and unnecessary dependence upon the subsidies.

Oregon, however, did not go to that extreme. It only required that contracts which endangered general standards in this manner must first be approved by the Commission. The underlying principle is the same as that which eliminates prison labor from competition against free labor, and prevents the output of State and charitable institutions to compete without control against self-supporting business.

The essential purpose of the Act is to compel employers to pay the living cost to all their employees whose product is worth it, and thereby correspondingly protect the efficient against a ruinous competition.

Seventh.—It is not arbitrary, wanton or a spoliation for the State to require the consent of the Commission before allowing a wage contract at below cost, because of the actual inherent inequality of bargaining power between the parties.

The analysis of the present industrial structure has thus been authoritatively set forth in the report of the Secretary of Labor for 1916:

> "The experience of the department in mediation service during the three years of its existence is so far confirmatory of the suggestions with reference to collective bargaining that were made in my first annual report and reiterated in the second as to call for their requotation here.
>
> "Premising in those reports that the Department of Labor, as an executive department devoted to the just interests of wage earners, had been established as one of the results of general industrial progress, I continued: 'Owing to well-known developments in production, the relation of employer and wage earner is no longer personal or individual. Theirs is now usually a relationship between groups of employers on one side (such as corporation stockholders) and groups of their respective workmen on the other. Employers act collectively through their own chosen agents—corporation managers, factory or mine superintendents or foremen, labor brokers, or the like—who in hiring laborers represent collective financial interests. It is obvious that this method of employment, generally necessary for success in modern industry, may give to employers great contractual advantages over wage earners. Unless wage earners also act collectively through their own agents in hiring wage earners are often averse to dealing with the agents of wage earners who collectively offer their services. They desire to contract with wage earners individually.'
>
> "Those observations have now been tested and found true by the efficient body of commissioners of conciliation who have represented the department in its mediation service.

"Large employers are usually incorporated companies, with many stockholders of diversified industrial connections and with boards of directors having intercorporate affiliations. Often they are fortified with public franchises or other special privileges, and their superintendents and foremen—with whom alone wage earners have personal relations—are naturally sensitive to the industrial powers back of them. An individual wageworker is weak indeed as a bargainer with such employers. He must take what they offer or go without employment; and going long without employment means to the wageworker what hopeless bankruptcy means to the business man, except that it is immeasurably worse.

"We have but to visualize familiar facts in order to see what individual bargaining by wageworkers for employment really is; we may thus see it as wageworkers not only see it, but as they so often harshly feel it. Consider the picture. A solitary wageworker faces a foreman whom he asks for work to do. Back of him a shadowy mass of indidivdual bargainers eager for the job. Fronting him the foreman upon whose word his livelihood depends. Over the foreman a superintendent whom the foreman must satisfy. Rising above both, rank upon rank, managers, directors, stockholders, all to be satisfied by superintendents and foreman, and each rank subservient to the rank above it. The interests of all but the solitary bargainer for a job are knitted together into collective self-interest which instinctively dictates for wages the least that the labor market will allow—a market tense with competition for work but slack in competition for workers. Even this is not all. For that collective interest is permeated with similar ones through interlocked directorates and interlaced stockholding, vitalized it may be with gentlemen's agreements and by business coercion or fear of it. At the outer edge of all a lone wageworker bargains for work; bargains in a glutted labor market; bargains individually!

"Before those gigantic collectivities of employing interests a wageworker bargaining individually

for work is as impotent and negligible as a medieval peasant kneeling before the council of a king. Only if employment opportunities were unlimited could wage earners bargain individually with employment interests so unified. But, in reality, employment opportunities are limited—very narrowly, limited. The fact may be abnormal, but fact it is, that although the need for labor products is constantly in excess of their supply, yet opportunities for producing them are somehow so few that work is seldom plentiful. Never, one may fairly say, is opportunity for work so far in excess of persons needing work as to give them more than a very slight and very temporary advantage in bargaining, or even to place them for long on an even footing. While this unbalanced condition lasts the interests of wholesome social life demand that wage earners be freely conceded the right, in bargaining for employment, to do so collectively." (pp. 47-49.)

This analysis has the support practically of every competent student of economics and industry. It is idle to cite authorities. Quotation could be piled on quotation. It is all based on the application of the conviction that liberty of action implies choice, and, therefore, substantial freedom of contract presupposes equality of bargaining power. It is recognized in the great existing organizations of employers and employees, in the whole movement of collective bargaining, and in various aspects and to various degrees it is the starting point of the great volume of modern legislation all the way from the usury statutes to *Brazee* v. *Michigan,* 241 U. S., 340, upholding a statute designed to prevent employment agencies from exploiting unemployed (see *e. g.,* Labor Legislation of 1915, Bulletin of the United States Bureau of Labor Statistics, No. 186).

This was one of the principal grounds of the decision below (*Stettler*, R., fol. 42):

> "The legislature has evidently concluded that these conditions [excessive hours and excessively low wages and the necessity of protecting some classes in some employments 'from the same conditions for which royal proclamation was found necessary' in older times] prevail even in Oregon; that there are many women employed at inadequate wages; the employment *not secured by the agreement of the worker at satisfactory compensation, but at wages dictated by the employer. The worker in such a case has no voice in fixing the hours of wages, but must accept it or fare worse*" (italics ours, fol. 42).

The line of cases upholding State statutes which limit freedom of contract with women in various ways, rest, in part, upon realization of the fact that the mass of women employees cannot be expected to bargain on an equality with employers (*Muller* v. *Oregon*, 208 U. S., 412; *Riley* v. *Massachusetts*, 232 U. S., 671; *Hawley* v. *Walker*, 232 U. S., 718; *Miller* v. *Wilson*, 236 U. S., 373, 380-1; *Bosley* v. *McLaughlin*, 236 U. S., 385). And the same principle has been frequently upheld in regard to the bargaining power of employees in general, recognizing the fact that no individual laborer of the group working on the margin of bare living necessities can bargain *freely* with an employer under modern industrial conditions.

Barbier v. *Connolly*, 113 U. S., 27 (night work in laundries).

Soon Hing v. *Crowley*, 113 U. S., 703 (same as *Barbier* v. *Connolly*, 113 U. S., 27).

St. Louis, Iron Mt. &c., Ry. v. *Paul*, 173 U. S., 404 (statute requiring pay to date of discharge, whether due or not under the contract, is constitutional).

Knoxville Iron Co. v. *Harbison,* 183 U. S., 13 (Truck Acts).

McLean v. *Arkansas,* 211 U. S., 539 (statute requiring payment by "run of mine" weight).

C. B. & Q. R. R. Co. v. *McGuire,* 219 U. S., 549 (statute prohibiting contracts agreeing to fellow servant defense).

Mutual Loan v. *Martell,* 222 U. S., 225 (assignments of future wages).

Mondon v. *N. Y., N. H. & H.,* 223 U. S., 1 (Act of Congress prohibiting contract for exemption from employers' liability).

Second Employers' Liability Cases, 223 U. S., 1, 52.

Philadelphia, Baltimore & Washington Railroad v. *Schubert,* 224 U. S., 603.

Erie v. *Williams,* 233 U. S., 685 (statute prohibiting contracts to pay employees less often than semi-monthly).

Keokee Co. v. *Taylor,* 234 U. S., 224 (Truck Acts).

Jeffrey Manufacturing Co. v. *Blagg,* 235 U. S., 571 (Workmen's Compensation).

Rail Coal Co. v. *Yaple,* 236 U. S., 338 (statute requiring payment by "run of mine" weight).

Booth v. *Indiana,* 237 U. S., 391 (statute requiring proper washrooms).

Upon this principle of the power of the State to protect equality of bargaining rest many other laws and decisions, including the following:

USURY.

"No court would even hold a usury law unconstitutional even if every member of it believed that Jeremy Bentham had said the last word on that subject and had shown for all time that such laws did more harm than good." *Otis* v. *Parker,* 187 U. S., 606, 609. See Hand, 21 Harv. L. Rev., 495, 502, n. 2. *Griffith* v. *Connecticut,* 218 U. S., 563.

EQUITY POWERS TO DEFEAT COERCIVE CONTRACTS.

"There is great reason and justice in this rule [that a mortgagee can never provide at the time of making the loan for any event or condition in which the equity of redemption shall be discharged and the conveyance absolute], for necessitous men are not, truly speaking, free men, but, to answer a present exigency, will submit to any terms that the crafty may impose upon them." Lord Chancellor Nothington in *Vernon* v. *Bethell*, 2 Eden, 110, 113.

RAILROAD RATES.

Don v. *Beidelman*, 125 U. S., 680.
Smyth v. *Ames*, 171 U. S., 361, 365.
L. & N. R. R. Co. v. *Mottley*, 219 U. S., 467.

OTHER FEATURES OF RAILROAD CONTRACTS WITH SHIPPERS.

Atlantic Coast Line v. *Riverside*, 219 U. S., 186 (Carmack amendment).

RATES ON OTHER ENTERPRISES.

Munn v. *Illinois*, 94 U. S., 113 (grain elevators).
Brass v. *North Dakota*, 153 U. S., 391 (same).

INSURANCE.

Orient Insurance Co. v. *Daggs*, 172 U. S., 557 (statute constitutional which prohibited contract that Insurance Co. should not be liable for more than real value of the property).

OTHER TERMS OF INSURANCE CONTRACTS.

German Alliance Ins. Co. v. *Kansas*, 233 U. S., 389 (fire insurance).

SEAMEN.

Patterson v. *Bark Eudora*, 190 U. S., 169 (advance of wages).

MINORS.

Sturges Co. v. *Beauchamp*, 231 U. S., 320.

INDIANS.

Taylor v. *Brown*, 147 U. S., 640.
Williams v. *Johnson*, 239 U. S., 414.

EMPLOYMENT AGENCIES.
Brazee v. *Michigan*, 241 U. S., 340.

ATTORNEY'S FEES.
Frisbie v. *United States*, 157 U. S., 160, 165.

TELEGRAPH COMPANY'S LIABILITY FOR NEGLIGENCE.
Western Union Tel. Co. v. *Com. Milling Co.*, 218 U. S., 406.

The largest opportunity for the fullest development of men's faculties has undoubtedly been one of the basic considerations of Anglo-American institutions. To the extent that such development touches fundamentals, this political principle is incorporated in the protection of due process (see *Butler* v. *Perry*, 240 U. S., 328, 333). But just because the largest opportunities for development of men's faculties implies choice and freedom, within the circumscribed range of human freedom, the common law in both phases of its legal functions, namely, through adjudication and legislation, has thrown its weight in favor of the necessitous and conversely has sanctioned, as the proper function of law, the curbing of the "avaricious" and the "malevolently inclined." The principle has been briefly and comprehensively expressed by Lord Chancellor Nothington when he said that "necessitous men are not, truly speaking, free men" (*Vernon* v. *Bethell*, 2 Eden, 110, 113 *supra*).

The "liberty of contract" which the present legislation would destroy is only the "liberty" of an employer to abuse and the "liberty" of an employee to be abused. True freedom of contract is established, rather than impaired, by such restrictions. Their very purpose is to assure the parties an equal basis for bar-

gaining, so that they may be *free* to bargain on the merits, and not under the compulsion of a crippling necessity. With no margin or the margin of but a single meal between starvation there can be no true liberty of contract. (As to conditions in Oregon, see Part Two, pp. 364-366.)

Eighth.—It is not arbitrary, wanton or a spoliation for the State to require the consent of the Commission before allowing wage contracts at below cost, because that is a reasonable exercise of the State power to minimize danger of unfair and oppressive contracts.

We have seen above (p. A23) that the only satisfactory explanation of Stettler's interest is on the hypothesis that he wishes to get the labor at less than the cost of the human energy which produces the product.

Also we have seen that about half of the women workers of Oregon are receiving less than their cost (p. A11 and Part Two, p. 383), even though they are experienced adult workers.

Is not the likelihood of unfair contracts thus shown (and inherent in the very proposition that such human labor cannot produce its cost) sufficient to justify the State in requiring prior consent of its Commission before they may be made?

There are many cases, of course, in which the legislative power to prevent unfair or oppressive contracts is upheld.

For example: It is constitutional to protect people from exploitation by lotteries (*Lottery Cases,* 188 U. S., 321), bulk sales (*Lemieux* v. *Young,* 211 U. S., 489), billiard halls (*Murphy* v. *Cal.,* 225 U. S., 623), marginal

dealing in stocks (*Otis* v. *Parker*, 187 U. S., 606), trading stamps (*Rast* v. *Van Deman*, 240 U. S., 342), imitation of butter (*Hammond Co.* v. *Montana*, 233 U. S., 331), small bread loaves (*Schmidinger* v. *Chicago*, 226 U. S., 579), sales of lard in bulk (*Armour* v. *N. Dak.*, 240 U. S., 510).

All of these are instances in which unrestricted "demand and supply" has been validly limited by legislation in the interest of fair and ethical dealing.

Ninth.—It is not arbitrary, wanton or a spoliation for the state to require the consent of the Commission before allowing wage contracts at below cost, because that is a reasonable exercise of the State power to foster the productivity of industry.

The very preservation of the State and its citizens depends upon the efficiency of its industries to carry the cost of living. That is the primary function of industry. No industry which fails to supply even the bare minimum living requirements of its own workers can possibly be sound. Such an industry instead of aiding in the work of supporting life can be only a burden upon it by precisely the amount of subsidy which it drains from other industries.

The fundamental policy represented by this act is the prevention of taxation upon sound industries for the artificial support of unsound ones, and the correlative direction of the energies of the State into lines which can be truly productive. Its purpose is to compel those industries which now are parasites either to make themselves self-supporting through higher efficiency or to discontinue.

The present war and the consequent legislation

in England and Germany and France emphasize, but were not required to reveal, that the strength and the safety of the State rests on man-power, which means the development and the directed organization of the working forces of the community. From this aspect this statute of Oregon takes only a short first step in requiring industry to provide, as a very minimum, the living necessities of its own workers, particularly the workers that either are the younger workers of this generation or the mothers of the next.

This is a measure of conservation and preservation of the human resources of the State, which is of even deeper and more primary importance to human self-preservation than the conservation of the natural resources. And so its constitutionality follows *a fortiori* from the line of cases which support statutes passed for the preservation and effective utilization of the natural resources.

Hudson Water Co. v. *McCarter,* 209 U. S., 349 (sustaining New Jersey statute preventing diversion of State waters).

Mount Vernon Cotton Co. v. *Alabama Power Co.,* 240 U. S., 30 (sustaining Alabama statute conferring the power of eminent domain to private users of water power).

> "To gather the streams from waste and to draw from them energy, labor without brains, and so to save mankind from toil that it can be spared, is to supply what, next to intellect, is the very foundation of all our achievements and all our welfare. If that purpose is not public we should be at a loss to say what is" (p. 32).

Pacific Live Stock Co. v. *Oregon Water Board,* 241 U. S., 440 (sustaining Oregon statute regulating relative rights of claimants to water, and imposing the expense of the administrative ascertainment on the parties).

That industrial preparedness lies at the very root of national preparedness is by this time the accepted conviction of all parties and of the entire country. That conviction has begun to express itself in national legislation. The establishment by Congress of the Council of National Defense (39 Stat., 649) is the creation of a national agency to survey and further the industrial resources of the country.

> "But the general effect of such a plan in operation will be to produce more healthful and harmonious relations between Government and business, and to give to the great industrial and commercial enterprises of the country a national and patriotic aspect, which will both keep the country prepared, should emergency arise, and stimulate sound business and industrial methods throughout the country." (Report of Secretary of War, 1916, p. 37.)

Industrial resources mean, of course, men and money, the physical resources which are the industrial plants of the country, and the human resources constituting the managers and the millions of workers. To discharge the responsibility which each State has for the competence of its quota of workers, Oregon has laid down minimum standards, of which this case presents one.

Even if the Act had gone beyond the mere protective necessity into the realm of affirmative public welfare, it would still have been constitutional within the principle broadly laid down in *Bacon* v. *Walker,* 204 U. S., 311:

> "That power [the police power] is not confined, as we have said, to the suppression of what is offensive, disorderly or unsanitary. It extends to so dealing with the conditions which exist in the State as to bring out of them the greatest welfare of its people" (p. 318).

Industry under modern conditions has come to be one of the most important fields in which the interrelation of human beings requires supervision and control by the State. To-day the center of gravity of the State is industry, just as in feudal days it was land. The common law met the demands of the feudal period by working out the incidence of feudal tenure as a body of reciprocal liabilities between lord and man flowing from the relationship of tenure. In fact, the conception of rights and liabilities as dependent on relationship rather than assumed by contract (*i. e.*, the unregulated desire of individuals) is at the very center of the whole common law system. All that is necessary is to recognize these true common law principles, to recognize the common law concept of relation, and to make the detailed application in the change from an agricultural to an industrial society. This harmonizes modern decisions and legislation, and makes them consistent with a true conception of our inherited common law. (See Dean Pound's "The End of Law as Developed in Juristic Thought," in 30 Harv. L. Rev., 201, 212 ff.; Edward A. Adler, Business Jurisprudence, 28 Harv. L. Rev., 135; Capital, Labor and Business at Common Law, 29 Harv. L. Rev., 241.)

The adjustment of relations under the feudal system required a most elaborate regulation of real property tenure and transfer. The law was flexible enough to

meet that requirement and express it in a great body of rules (case-made and statute made) which constitutes the law of real property.

This ability of the community to modify the legal rules which represented prior community standards must still remain for the purpose of making similar changes, *pari passu,* with further evolution of such standards. No one could have thought that such changes were arbitrary, wanton or spoliative, that is, other than due process of law. On the contrary, the scope of such judicial and legislative power as part of the whole scheme of Anglo-American law inheres in that legislative power which underlies the Fourteenth Amendment, and was not intended to be restricted by it. In other words, it is of the very essence of the common law system—including the minor judicial and the major legislative modifications—to regard the law-making energies of the State as progressive activities to meet needed changes.

> "It is more consonant to the true philosophy of our historical legal institutions to say that the spirit of personal liberty and individual right which they embodied was preserved and developed by progressive growth and wise adaptation to new circumstances and situations of the forms and processes found fit to give, from time to time new expression and greater effect to modern ideas of self government.
>
> "This flexibility and capacity for growth and adaptation is the peculiar boast and excellence of the common law. . . .
>
> "The Constitution of the United States was ordained it is true by descendants of Englishmen, who inherited the traditions of English law and history; but it was made for an undefined and expanding future, and for a people gathered and to be gathered from many nations and of many tongues. . . .

> There is nothing in Magna Charta, rightly construed as a broad charter of public right and law, which ought to exclude the best ideas of all systems and of every age; and as it was the characteristic principle of the common law to draw its inspiration from every fountain of justice, we are not to assume that the sources of its supply have been exhausted. On the contrary, we should expect that the new and various experiences of our own situation and system will mold and shape it into new and not less useful form." (*Hurtado* v. *California*, 110 U. S., 516, 530-1; see also *Holden* v. *Hardy*, 169 U. S., 366, 385-387.)

We are here dealing with an exercise of the same public power as that of the common law regarding land tenure. With its exercise in the past we are familiar; its unsettled application to the needs of a changing present gives an illusion of novelty to the new exercise of an old power. This novelty must not be allowed to deceive; the unfamiliar must not now, any more than in the past, be denied as "unconstitutional." New circumstances call for new effort, and the Fourteenth Amendment has left unimpeded the power of conscientious statesmanship to grapple with new difficulties.

Respectfully submitted,

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January, 1917.

PART FIRST.

Legislation Providing for the Establishment of a Minimum Wage for Women.

I. THE FOREIGN LEGISLATION.

In 1894 the first minimum wage legislation—the Industrial Conciliation and Arbitration Act—was enacted in New Zealand. This law is designed primarily for the settlement of industrial disagreements, involving strikes and lockouts. It provides for a Council of Arbitration, composed of representatives of employers and employees with a permanent industrial commissioner as chairman. Cases of disagreement are referred to the Arbitration Court for final decision. The Court is composed of one judge of the Supreme Court and two members nominated by employers and employees. Among its provisions, the law authorizes the Court to fix a minimum rate of wages.

Following the action of New Zealand, similar legislation was enacted by New South Wales in 1901, by Western Australia in 1902, and by the Australian Commonwealth in 1904 for disagreements extending beyond state lines.

In 1896 the first act providing for special boards to fix minimum wages in any trade was enacted in Victoria. This type of legislation was later followed by South Australia in 1900, by Queensland in 1908, and by Tasmania in 1910.

In 1909 the first act establishing wage boards modelled upon the Victorian legislation was enacted in Great Britain.

The act applied immediately to four trades: ready-made and wholesale bespoke tailoring and certain retail bespoke branches; cardboard boxmaking; the making of hammered, dollied, or tommied chain; and machine made lace and net finishing. In 1913 wage boards were established in four additional trades: sugar confectionery and food preserving, including any branch of making cocoa, chocolate, jams and fruit preserving, sauces and pickles, preserved meats, fish and vegetables; shirt making, including pajamas, aprons and other washable clothing for men; hollow ware, including tin boxes, and metal hollow ware; and cotton embroidery.

VICTORIA.

Factories and Shops Act, 1912 (No. 2386 and No. 2447). Special Boards.

Appointment of Boards.

133. (2) Where a resolution is or has been passed by both Houses of Parliament declaring that it is expedient to appoint any Special Board to determine the lowest prices or rates which may be paid to any person or persons or classes of persons employed anywhere in Victoria (whether in a factory or not) in any process trade business or occupation or any group thereof specified in the resolution or where any Special Board has prior to the commencement of this Act been appointed for any process trade business or occupation or any group thereof, the Governor in Council may if he thinks fit from time to time—

(*a*) appoint one or more Special Boards for any one of such processes, trades businesses, or occupations or for any branch or branches thereof or for any group or groups thereof. . . .

(6) Each Special Board shall consist of not less than four nor more than ten members and a chairman.

136. (1) One-half of the members of a Special Board shall be appointed as representatives of employers and one-half as representatives of employees.

137. (1) Before appointing the members of any Special Board the Minister may by notice published in the *Government Gazette* nominate persons as representatives of employers and representatives of employees to be appointed as members of such Special Board.

Powers of Boards.

140. (1) (Act 2386.) The members of a Special Board shall within fourteen days after their appointment nominate in writing some person (not being one of such members) to be Chairman of such Special Board, and such person shall be appointed by the Governor in Council to such office.

141. Every Special Board in accordance with the terms of its appointment—

(*a*) shall determine the lowest prices or rates of payment payable to any person or persons or classes of persons employed in the process, trade business, or occupation specified in such appointment. Such prices or rates of payment may be fixed at piece-work prices or at wages rates or both as the Special Board thinks fit.

148. Where it appears to be just and expedient special wages rates may be fixed for aged infirm or slow workers by any Special Board.

Determinations.

164. Any price or rate determined by any Special Board shall from a date (not being within thirty days of such Determination) fixed by such Board, be and remain in force until amended by a Determination of such Special Board; but such Determination may at any time be amended or revoked by the Court of Industrial Appeals.

165. (1) The Determination of any Special Board shall be signed by the Chairman thereof and published in

the *Government Gazette* and shall apply to the area or locality (including the whole or any part or parts of Victoria) defined by the Governor in Council as the area or locality within which the Determination of such Special Board shall be operative.

Suspension of Determination.

172. (1) Notwithstanding anything contained in this Act the Governor in Council may at any time for such period or periods as he thinks fit not exceeding six months in the whole by Order published in the *Government Gazette* suspend the operation of the Determination of any Special Board. When the operation of any Determination (whether published in the *Government Gazette* or not) is so suspended it shall be the duty of such Special Board to forthwith hear, receive and examine evidence as to such Determination, and thereupon such Special Board may either adhere to the said Determination or may make such amendments therein as to such Board seems proper.

Court of Industrial Appeals.

174. (1) There shall be a Court of Industrial Appeals for deciding all appeals against a Determination of a Special Board and for dealing with any Determination of a Special Board referred to the Court by the Minister.

(2) The Court of Industrial Appeals shall consist of any one of the Judges of the Supreme Court; and the said Judges shall arrange which of them shall for the time being constitute the Court of Industrial Appeals.

175. Where any Determination made by a Special Board either before or after the commencement of this Act is being dealt with by the Court, such Court shall consider whether the Determination appealed against has had or may have the effect of prejudicing the progress, maintenance of or scope of employment in the trade or industry affected by any such price or rate; and if of opinion that it has had or may have such effect the Court shall make such alterations as in its opinion may be

necessary to remove or prevent such effect and at the same time to secure a living wage to the employees in such trade or industry who are affected by such Determination.

176. (1) Notwithstanding anything contained in this Act a majority of the representatives of employers or a majority of the representatives of employees on any Special Board or any employer or group of employers who employ not less than twenty-five per centum of the total number of the workers in any trade or twenty-five per centum or more of the workers in any trade, may at any time in the prescribed manner appeal against such Determination to the Court. For the purposes of this subsection the Court shall accept the records given by the Chief Inspector in his latest annual report.

(2) The Minister may without appeal at any time after the making of a Determination by a Special Board refer such Determination for the consideration of the Court and may also refer any appeal made as hereinbefore provided for the consideration of the Court.

GREAT BRITAIN.

Trade Boards Act. (9 Edw. VII, Chap. 22.)

1.—(2) The Board of Trade may make a Provisional Order applying this Act to any specified trade to which it does not at the time apply if they are satisfied that the rate of wages prevailing in any branch of the trade is exceptionally low, as compared with that in other employments, and that the other circumstances of the trade are such as to render the application of this Act to the trade expedient.

(4) The Board of Trade may submit to Parliament for confirmation any Provisional Order made by them in pursuance of this section, but no such Order shall have effect unless and until it is confirmed by Parliament.

2.—(1) The Board of Trade shall, if practicable, establish one or more Trade Boards constituted in accord-

ance with regulations made under this Act for any trade to which this Act applies or for any branch of work in the trade.

Where a Trade Board is established under this Act for any trade or branch of work in a trade which is carried on to any substantial extent in Ireland, a separate Trade Board shall be established for that trade or branch of work in a trade in Ireland.

Minimum Rates of Wages.

4.—(1) Trade Boards shall, subject to the provisions of this section, fix minimum rates of wages for timework for their trades (in this Act referred to as minimum time-rates), and may also fix general minimum rates of wages for piecework for their trades (in this Act referred to as general minimum piece-rates), and those rates of wages (whether time- or piece-rates) may be fixed so as to apply universally to the trade, or so as to apply to any special process in the work of the trade or to any special class of workers in the trade, or to any special area.

(2) Before fixing any minimum time-rate or general minimum piece-rate, the Trade Board shall give notice of the rate which they propose to fix and consider any objections to the rate which may be lodged with them within three months.

5.—(2) Upon the expiration of six months from the date on which a Trade Board have given notice of any minimum time-rate or general minimum piece-rate fixed by them, the Board of Trade shall make an order (in this Act referred to as an obligatory order) making that minimum rate obligatory in cases in which it is applicable on all persons employing labour and on all persons employed, unless they are of opinion that the circumstances are such as to make it premature or otherwise undesirable to make an obligatory order, and in that case they shall make an order suspending the obligatory operation of the rate (in this Act referred to as an order of suspension).

(3) Where an order of suspension has been made as respects any rate, the Trade Board may, at any time after the expiration of six months from the date of the order, apply to the Board of Trade for an obligatory order as respects that rate; and on any such application the Board of Trade shall make an obligatory order as respects that rate, unless they are of opinion that a further order of suspension is desirable, and, in that case, they shall make such a further order, and the provisions of this section which are applicable to the first order of suspension shall apply to any such further order.

An order of suspension as respects any rate shall have effect until an obligatory order is made by the Board of Trade under this section.

6.—(1) Where any minimum rate of wages fixed by a Trade Board has been made obligatory by order of the Board of Trade under this Act, an employer shall, in cases to which the minimum rate is applicable, pay wages to the person employed at not less than the minimum rate clear of all deductions, and if he fails to do so shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds and to a fine not exceeding five pounds for each day on which the offence is continued after conviction therefor.

(2) On the conviction of an employer under this section for failing to pay wages at not less than the minimum rate to a person employed, the court may by the conviction adjudge the employer convicted to pay, in addition to any fine, such sum as appears to the court to be due to the person employed on account of wages, the wages being calculated on the basis of the minimum rate, but the power to order the payment of wages under this provision shall not be in derogation of any right of the person employed to recover wages by any other proceeding.

(3) If a Trade Board are satisfied that any worker employed, or desiring to be employed, on time work in any branch of a trade to which a minimum time-rate fixed by the Trade Board is applicable is affected by any in-

firmity or physical injury which renders him incapable of earning that minimum time-rate, and are of opinion that the case cannot suitably be met by employing the worker on piece-work, the Trade Board may, if they think fit, grant to the worker, subject to such conditions, if any, as they prescribe, a permit exempting the employment of the worker from the provisions of this Act rendering the minimum time-rate obligatory.

Constitution, Proceedings, etc., of Trade Boards.

11.—(1) The Board of Trade may make regulations with respect to the constitution of Trade Boards which shall consist of members representing employers and members representing workers (in this Act referred to as representative members) in equal proportions and of the appointed members.

(2) Women shall be eligible as members of Trade Boards as well as men.

(3) The representative members shall be elected or nominated, or partly elected and partly nominated as may be provided by the regulations, and in framing the regulations the representation of home workers on Trade Boards shall be provided for in all trades in which a considerable proportion of home workers are engaged.

(4) The chairman of a Trade Board shall be such one of the members as the Board of Trade may appoint, and the secretary of the Trade Board shall be appointed by the Board of Trade.

12.—(1) A Trade Board may establish district trade committees consisting partly of members of the Trade Board and partly of persons not being members of the Trade Board but representing employers or workers engaged in the trade and constituted in accordance with regulations made for the purpose by the Board of Trade. . . .

(3) A Trade Board may refer to a district trade committee for their report and recommendations any matter which they think is expedient so to refer, and may also,

if they think fit, delegate to a district trade committee any of their powers and duties under this Act, other than their power and duty to fix a minimum time-rate or general minimum piece-rate.

(4) Where a district trade committee has been established for any area, it shall be the duty of the committee to recommend to the Trade Board minimum time-rates and, so far as they think fit, general minimum piece-rates, applicable to the trade in that area, and no such minimum rate of wages fixed under this Act and no variation or cancellation of such a rate shall have effect within that area unless either the rate or the variation or cancellation thereof, as the case may be, has been recommended by the district trade committee, or an opportunity has been given to the committee to report thereon to the Trade Board, and the Trade Board have considered the report (if any) made by the committee.

13.—(1) The Board of Trade may appoint such number of persons (including women) as they think fit to be appointed members of Trade Boards.

(2) Such of the appointed members of Trade Boards shall act on each Trade Board or district trade committee as may be directed by the Board of Trade, and, in the case of a Trade Board for a trade in which women are largely employed, at least one of the appointed members acting shall be a woman:

Provided that the number of appointed members acting on the same Trade Board, or the same district trade committee, at the same time, shall be less than half the total number of members representing employers and members representing workers.

II. THE AMERICAN LEGISLATION.

Arkansas.

Enacted in 1915 (Chapter 191). Act to Safeguard the Health and Establish a Minimum Wage for Females in the State of Arkansas.

Be it enacted by the General Assembly of the State of Arkansas:

Be it enacted by the People of the State of Arkansas:

Section 1.—That no females shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, or by an express or transportation company, in this State, for more than nine hours in any one day, or more than six days, or more than fifty-four hours in any one week; provided, however, that the present law governing the employment of children under sixteen years of age shall not be repealed by this Act.

Sec. 2.—That no female under eighteen years of age shall be employed or permitted to work in, or in connection with, any of the establishments or occupations named in section 1 of this Act before the hour of 7 o'clock in the morning, or after the hour of 9 o'clock in the evening of any one day.

Sec. 3.—That no female shall be employed or permitted to work for more than six hours continuously at one time in any establishment or occupation named in section 1 of this Act, in which three or more females are employed, without any interval of at least three-quarters of an hour, except that such female may be so employed for not more than six and one-half hours continuously at one time if such employment ends not later than half past 1 o'clock in the afternoon, and if she is then dismissed for the remainder of the day. The time allowed for noon luncheon shall not be less than three-quarters of an hour.

Sec. 4.—That every employer shall post and keep posted in a conspicuous place in every room in any establishment or occupation named in section 1 of this Act

in which females are employed, a printed notice stating the number of hours such females are required or permitted to work on each day of the week, the hours of beginning and ending, the recess allowed for meals. The printed form of such notice shall be furnished upon application, by the Commissioner of Labor and Statistics. The employment of any such female for longer time in any one day than that stated in a printed notice shall be deemed a violation of the provisions of this section. Where the nature of the business makes it impracticable to fix the recess allowed for meals at the same time for all females employed, the Commissioner of Labor and Statistics may issue a permit dispensing with the posting of the hours when the recess for meals begins and ends, and requiring the posting of only the total number of hours that females are required or permitted to work on each day of the week and the hours of beginning and stopping such work. Such permit shall be kept by such employer upon such premises and exhibited to all inspectors authorized to enforce this Act.

Sec. 5.—That every employer shall keep a time book or record of every female employed in any establishment or occupation named in section 1 of this Act stating the wages paid, the number of hours worked by her on each day of the week, the hours of beginning and ending such work and the hours of beginning and ending the recess allowed for meals. Such time books or record shall be open at all reasonable hours to the inspection of the officials authorized to enforce this Act. Any employer who fails to keep such record as required by this section, or makes any false statement therein, or refuses to exhibit such time book or record, or makes a false statement to any official authorized to enforce this Act in reply to any question put in carrying out the provisions of this Act shall be liable for violation thereof.

Sec. 6.—The Commissioner of Labor and Statistics, or any person duly authorized by him, may, in the discharge of their duties, enter any establishment or occupation where females are employed mentioned in section 1 of this Act as often as practicable during reasonable

hours and shall cause the provisions of this Act to be enforced therein, and have full police power in enforcing compliance therewith.

Sec. 7.—That it shall be unlawful for any employer of labor mentioned in section 1 of this Act to pay any female worker in any establishment or occupation less than the wage specified in this section, towit, except as hereinafter provided: All female workers who have had six months' practicable experience in any line of industry or labor shall be paid not less than $1.25 per day. The minimum wage for inexperienced female workers who have not had six months experience in any line of industry or labor shall be paid not less than $1.00 per day, provided, that any inexperienced female workers or apprentices shall be given a certificate by their employers showing the amount of experience they have had and all time served as inexperienced workers, or apprentices shall be cumulative. All female workers working less than nine hours per day shall receive the same wages per hour as those working nine hours per day.

Sec. 8.—That whenever it can be shown beyond question of doubt that it would work irreparable injury to any industry engaged in handling products, such as canning factories and candy factories, to comply with the provisions of this Act, regarding hours, a commission, consisting of the Commissioner of Labor and Statistics and two competent women, to be appointed, one by the Governor, and the other by the State Commissioner of Labor and Statistics, may by majority vote, after hearing duly held in which all interested parties may have been duly heard, permit such industry to operate more than nine hours per day, provided that women employed are paid at the rate of time and one-half for hours worked in excess of nine hours in any one day; provided, however, that said period in which overtime may be worked shall not exceed 90 days in any one year.

Sec. 9.—All females employed in any industry in this State, who are paid upon a piece-work basis, bonus sys-

tem, or any other manner than by the day, shall be paid not less than the rate per day herein specified for female employees who are working on the day rate system, and a commission, consisting of the Commissioner of Labor and Statistics, and two competent women, one to be appointed by the Governor, and one by the Commissioner of Labor and Statistics, shall investigate, upon complaint, any line of industry wherein females are employed and if in their judgment said system of piecework is working an injury to the general health of the employees, they may, after hearing, duly held, issue an order compelling said firm to abolish piece work, or any other injurious system, and establish a daily rate of wages for all female employees, said rate not to be less than the rate specified in section 7 of this Act.

Sec. 10.—Provided, however, that if said commission should find, after an investigation that a lower minimum rate of wages is adequate to supply a woman, or minor female worker engaged in any occupation, trade or industry, the necessary cost of proper living, and to maintain the health and welfare of such woman, or minor female workers, may, after a public hearing, duly held, at which time all interested employers and employees are given a reasonable opportunity to present their arguments, issue an order establishing a minimum wage rate that in their judgment is reasonable, and said rate so established shall be the legal minimum wage in the industry or occupation affected, and should said commission find after said investigation that the minimum wage specified in section 7 in this Act is insufficient to adequately supply a woman or minor female worker engaged in any occupation, trade or industry, the necessary cost of proper living and to maintain the health and welfare of such woman or other female worker, may, after public hearing duly held, at which time all interested parties are given a reasonable opportunity to present their argument, issue an order establishing a higher minimum wage for female workers that in the judgment of the commission, is reasonable, and said minimum wage rate so established by said commission shall be the legal minimum wage in the industry or occupation affected.

SEC. 11.—Said commission, after a public hearing duly held, at which all interested persons are given an opportunity to present arguments, may establish regulations governing the employment of females in hotels, restaurants and telephone establishments; provided, said rules and regulations shall not permit female workers to be employed in excess of nine hours im any one day, nor at a lower rate of wages than will supply said female employees the cost of proper living, and safeguard their health and welfare. The rate of wages established by the commission shall not be greater than the rate of wages specified in section 7.

SEC. 12.—That any person, or persons, company or corporation, who violates the provisions of this Act, or does not comply with the provisions of this Act, shall, upon conviction in any court of competent jurisdiction, be punished by a fine of not less than $25 nor more than $100 and each day of noncompliance shall constitute a separate offense.

SEC. 13.—Should any section or sections of this Act be held invalid by the courts, it shall not thereby be understood as affecting, and shall not affect, the other provisions of this Act; provided, that no part of this bill shall apply to any firm, corporation, or establishment of any character, where three or less females are employed and working at the same time; provided, the provisions of this Act shall not apply to the cotton factories, or the preservation of fruits and perishable farm products, or gathering the same in Arkansas. Provided, this Act shall not apply to establishments working three or less employees in the same building at the same time doing the same class of work.

SEC. 14.—All laws and parts of laws in conflict with this law are hereby repealed, and this law being necessary for the immediate public peace, health and safety, an emergency is hereby declared to exist, and this Act shall take effect and be in force from and after its passage.

California.

Enacted in 1913. (*Chapter 324.*) *Amended in 1915.* (*Chapter 571.*)

An Act regulating the employment of women and minors and establishing an industrial welfare commission to investigate and deal with such employment, including a minimum wage; providing for an appropriation therefor and fixing a penalty for violations of this act.

The People of the State of California do enact as follows:

Section 1.—There is hereby established a commission to be known as the industrial welfare commission, hereinafter called the commission. Said commission shall be composed of five persons, at least one of whom shall be a woman, and all of whom shall be appointed by the governor as follows: two for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years; *provided, however,* That at the expiration of their respective terms, their successors shall be appointed to serve a full term of four years. Any vacancies shall be similarly filled for the unexpired portion of the term in which the vacancy shall occur. Three members of the commission shall constitute a quorum. A vacancy on the commission shall not impair the right of the remaining members to perform all the duties and exercise all the powers and authority of the commission.

Sec. 2.—The members of said commission shall draw no salaries but all of said members shall be allowed ten dollars per diem while engaged in the performance of their official duties. The commission may employ a secretary, and such expert, clerical and other assistants as may be necessary to carry out the purposes of this act, and shall fix the compensation of such employees, and may, also, to carry out such purposes, incur reasonable and necessary office and other expenses, including the

necessary traveling expenses of the members of the commission, of its secretary, of its experts, and of its clerks and other assistants and employees. All employees of the commission shall hold office at the pleasure of the commission.

SEC. 3.—(*a*) It shall be the duty of the commission to ascertain the wages paid, the hours and conditions of labor and employment in the various occupations, trades, and industries in which women and minors are employed in the State of California, and to make investigations into the comfort, health, safety and welfare of such women and minors.

(*b*) It shall be the duty of every person, firm or corporation employing labor in this state:

1. To furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of this act, such reports and information to be verified by the oath of the person, or a member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission or any member thereof.

2. To allow any member of the commission, or its secretary, or any of its duly authorized experts or employees, free access to the place of business or employment of such person, firm, or corporation, for the purpose of making any investigation authorized by this act, or to make inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents, or papers of such person, firm or corporation relating to the employment of labor and payment therefor by such person, firm or corporation.

3. To keep a register of the names, ages, and residence addresses of all women and minors employed.

(*c*) For the purposes of this act, a minor is defined to be a person of either sex under the age of eighteen years.

SEC. 4.—The commission may specify times to hold public hearings, at which times, employers, employees, or other interested persons, may appear and give testimony as to the matter under consideration. The commission or any member thereof shall have power to subpoena witnesses and to administer oaths. All witnesses subpoenaed by the commission shall be paid the fees and mileage fixed by law in civil cases. In case of failure on the part of any person to comply with any order of the commission or any member thereof, or any subpoena, or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before any wage board or the commission, it shall be the duty of the superior court or the judge thereof, on the application of a member of the commission, to compel obedience in the same manner, by contempt proceedings or otherwise, that such obedience would be compelled in a proceeding pending before said court. The commission shall have power to make and enforce reasonable and proper rules of practice and procedure and shall not be bound by the technical rules of evidence.

SEC. 5.—If, after investigation, the commission is of the opinion that, in any occupation, trade, or industry, the wages paid to women and minors are inadequate to supply the cost of proper living, or the hours or conditions of labor are prejudicial to the health, morals or welfare of the workers, the commission may call a conference, hereinafter called "wage board", composed of an equal number of representatives of employers and employees in the occupation, trade, or industry in question, and a representative of the commission to be designated by it, who shall act as the chairman of the wage board. The members of such wage board shall be allowed five dollars per diem and necessary traveling expenses while engaged in such conferences. The commission shall make rules and regulations governing the number and selection of the members and the mode of procedure of such wage board, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the board. The proceedings and deliberations of such wage

procedure and of the recommendations of such wage board shall be made a matter of record for the use of the commission, and shall be admissible as evidence in any proceedings before the commission. On request of the commission, it shall be the duty of such wage board to report to the commission its findings, including therein:

1. An estimate of the minimum wage adequate to supply to women and minors engaged in the occupation, trade or industry in question, the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The number of hours of work per day in the occupation, trade or industry in question, consistent with the health and welfare of such women and minors.

3. The standard conditions of labor in the occupation, trade or industry in question, demanded by the health and welfare of such women and minors.

Sec. 6.—(*a*) The commission shall have further power after a public hearing had upon its own motion or upon petition, to fix:

1. A minimum wage to be paid to women and minors engaged in any occupation, trade or industry in this state, which shall not be less than a wage adequate to supply to such women and minors the necessary cost of proper living and to maintain the health and welfare of such women and minors.

2. The maximum hours of work consistent with the health and welfare of women and minors engaged in any occupation, trade or industry in this state; *provided*, That the hours so fixed shall not be more than the maximum now or hereafter fixed by law.

3. The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade or industry in this state.

(*b*) Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and act-

ing upon any matters referred to in subsection (*a*) hereof, the commission shall give public notice by advertisement in at least one newspaper published in each of the cities of Los Angeles and Sacramento and in the city and county of San Francisco, and by mailing a copy of said notice to the county recorder of each county in the state, of such hearing and purpose thereof, which notice shall state the time and place fixed for such hearing which shall not be earlier than fourteen days from the date of publication and mailing of such notices.

(*c*) After such public hearing, the commission may, in its discretion, make a mandatory order to be effective in sixty days from the making of such order, specifying the minimum wage for women or minors in the occupation in question, the maximum hours; *provided,* That the hours specified shall not be more than the maximum for women or minors in California, and the standard conditions of labor for said women or minors; *provided, however,* That no such order shall become effective until after April 1, 1914. Such order shall be published in at least one newspaper in each of the cities of Los Angeles and Sacramento and in the city and county of San Francisco, and a copy thereof be mailed to the county recorder of each county in the state, and such copy shall be recorded without charge, and to the labor commissioner who shall send by mail, so far as practicable, to each employer in the occupation in question, a copy of the order, and each employer shall be required to post a copy of such order in the building in which women or minors affected by the order are employed. Failure to mail notice to the employer shall not relieve the employer from the duty to comply with such order. Finding by the commission that there has been such publication and mailing to county recorders shall be conclusive as to service.

Sec. 7.—Whenever wages, or hours, or conditions of labor have been so made mandatory in any occupation, trade or industry, the commission may at any time in its discretion, upon its own motion or upon petition of

either employers or employees, after a public hearing held upon the notice prescribed for an original hearing, rescind, alter or amend any prior order. Any order rescinding a prior order shall have the same effect as herein provided for in an original order.

Sec. 8.—(As amended Ch. 571, Acts 1915.)—(*a*) For any occupation in which a minimum wage has been established, the commission may issue to a woman physically defective by age or otherwise, a special license authorizing the employment of such licensee, for a period of six months, for a wage less than such legal minimum wage; and the commission shall fix a special minimum wage for such person. Any such license may be renewed for like periods of six months.

(*b*) For any occupation in which a minimum wage has been established, the commission may issue to an apprentice or learner, a special license authorizing the employment of such apprentice or learner, for such time and under such conditions as the commission may determine at a wage less than such legal minimum wage; and the commission shall fix a special wage for such apprentice or learner.

(*c*) The commission may fix the maximum number of women, and minors under eighteen years of age, to be employed under the licenses provided for in subdivisions (*a*) and (*b*) of this section in any occupation, trade, industry or establishment in which a minimum wage has been established.

Sec. 9.—Upon the request of the commission, the labor commissioner shall cause such statistics and other data and information to be gathered, and investigations made, as the commission may require. The cost thereof shall be paid out of the appropriations made for the expenses of the commission.

Sec. 10.—Any employer who discharges, or threatens to discharge, or in any other manner discriminates against any employee because such employee has testified or is about to testify, or because such employer be-

lieves that said employee may testify in any investigation, or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor.

Sec. 11.—(As amended Ch. 571, Act, 1915.)—The minimum wage for women and minors fixed by said commission as in this act provided, shall be the minimum wage to be paid to such employees, and the payment to such employees of a less wage than the minimum so fixed shall be unlawful, and every employer or other person who, either individually or as an officer, agent, or employee of a corporation or other person, pays or causes to be paid to any such employee a wage less than such minimum, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, or by imprisonment of not less than thirty days, or by both such fine and imprisonment, and every employer or other person who, either individually or as an officer, agent or employee of a corporation, or other persons, violates or refuses or neglects to comply with the provisions of this act, or any orders or rulings of this commission, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than fifty dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment.

Sec. 12.—(As amended Ch. 571, Act, 1915.)—In every prosecution for violation of any provision of this act, the minimum wage, the maximum hours of work and the standard conditions of labor fixed by the commission as herein provided, shall be *prima facie* presumed to be reasonable and lawful, and to be the living wage, the maximum hours of work and standard conditions of labor required herein. The findings of fact made by the commission acting within its powers shall, in the absence of fraud, be conclusive; and the determination made by the commission shall be subject to review only in a manner and upon the grounds following: within twenty days from the date of the determination, any party aggrieved thereby

may commence in the superior court in and for the city and county of San Francisco, or in and for the counties of Los Angeles or Sacramento, an action against the commission for review of such determination. In such action a complaint, which shall state the grounds upon which a review is sought, shall be served with the summons. Service upon the secretary of the commission, or any member of the commission, shall be deemed a complete service. The commission shall serve its answer within twenty days after the service of the complaint. With its answer, the commission shall make a return to the court of all documents and papers on file in the matter, and of all testimony and evidence which may have been taken before it, and of its findings and the determination. The action may thereupon be brought on for hearing before the court upon such record by either party on ten days' notice of the other. Upon such hearing, the court may confirm or set aside such determination; but the same shall be set aside only upon the following grounds:

(1) That the commission acted without or in excess of its powers.

(2) That the determination was procured by fraud.

Upon the setting aside of any determination the court may recommit the controversy and remand the record in the case to the commission for further proceedings. The commission, or any party aggrieved, by a decree entered upon the review of a determination, may appeal therefrom within the time and in the manner provided for an appeal from the orders of the said superior court.

Sec. 13.—Any employee receiving less than the legal minimum wage applicable to such employee shall be entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, notwithstanding any agreement to work for such lesser wage.

Sec. 14.—Any person may register with the commission a complaint that the wages paid to an employee for whom a living rate has been established, are less than

that rate, and the commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living wage.

SEC. 15.—The commission shall biennially make a report to the governor and the state legislature of its investigations and proceedings.

SEC. 16.—There is hereby appropriated annually out of the moneys of the state treasury, not otherwise appropriated, the sum of fifteen thousand dollars, to be used by the commission in carrying out the provisions of this act, and the controller is hereby directed from time to time to draw his warrants on the general fund in favor of the commission for the amounts expended under its direction, and the treasurer is hereby authorized and directed to pay the same.

SEC. 17.—The commission shall not act as a board of arbitration during a strike or lock-out.

SEC. 18.—(*a*) Whenever this act, or any part or section thereof, is interpreted by a court, it shall be liberally construed by such court.

(*b*) If any section, subsection, or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases is declared unconstitutional.

SEC. 19.—The provisions of this act shall apply to and include women and minors employed in any occupation, trade or industry, and whose compensation for labor is measured by time, piece or otherwise.

[Approved May 26, 1913.]

Colorado.

*Enacted in 1913. (Chapter 110.)**

An Act providing for the determination of minimum wages for women and minors.

Be it enacted by the General Assembly of the State of Colorado:

Section 1.—There is hereby created a state wage board to be composed of three members; at least one of whom shall be a representative of labor, at least one of whom shall be a woman and one of whom shall be an employer of labor. The members of said board shall be appointed by the governor, immediately upon the taking effect of this act and the term of existence of said board shall be for two years.

Sec. 2.—It shall be the duty of the wage board to inquire into the wages paid to female employees above the age of eighteen years and minor employes under eighteen years of age in any mercantile, manufacturing, laundry, hotel, restaurant, telephone or telegraph business in this state, if the board or any member of it may have reason to believe the wages paid any such employees are inadequate to supply the necessary cost of living, maintain them in health, and supply the necessary comforts of life. The wage board shall also inquire into the cost of living in the locality or localities in which the business is carried on and shall take into consideration the financial condition of the business and the probable effect thereon of any increase in the minimum wage paid in different localities, which inquiry and investigation shall be held in the locality affected. After such investigation it shall be the duty of the wage board to fix the minimum wage, whether by time rate or piece rate, suitable for the female employees over eighteen years of age in such business or in any or all of the branches thereof and also a suitable minimum wage for minors under eighteen years of age employed in the said business. When two or more members of the wage board shall agree upon a minimum wage

* Inoperative since 1915.

determination, the board shall give public notice, by advertisement published once in a newspaper of general circulation in the county or counties in which any such business so affected is located, declaring such minimum wage determination or determinations and giving notice of a public hearing thereon to be heard in the town or city nearest the place wherein the inadequate wage is found to exist; said hearing to be held not earlier than thirty days from the date of such publication. A copy of such notice shall also be mailed to the person, association or corporation engaged in the business affected. After such public hearing or after the expiration of the thirty days, provided no public hearing is demanded, the wage board shall issue an obligatory order to be effective in sixty days from the date of said order, specifying the minimum wages for women or minors or both in the occupation affected, or any branch thereof, and after such order is effective, it shall be unlawful for any employer in said occupation to employ a female over eighteen years of age or a minor under eighteen years of age for less than the rate of wages specified for such female or minor. The order shall be published once in a newspaper of general circulation in the county or counties in which any such business affected is located and a copy of the order shall be sent by mail to the person, association or corporation engaged in said business; and each such employer shall be required to post a copy of said order in a conspicuous place in each building in which women or minors affected by the order are employed.

Sec. 3.—The board shall, for the purposes of this act, have the power to subpoena witnesses and compel their attendance, to administer oaths, and examine witnesses under oath, and to compel the production of papers, books, accounts, documents and records. If any person shall fail to attend as a witness when subpoenaed by the board or shall refuse to testify when ordered so to do, the board may apply to any district court or county court to compel obedience on the part of such person and such district or county court shall thereupon compel obedience

by proceedings for contempt as in case of disobedience of any order of said court.

Sec. 4.—Each witness who shall appear before the board by order of the board shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in the district courts of the state.

Sec. 5.—A full and complete record shall be kept of all testimony taken by, and of all proceedings had before the board.

Sec. 6.—Any employer, employee or other person directly affected by any order of the board fixing and determining a minimum wage in any occupation or industry, shall have the right of appeal from such order to the district court of the state on the ground that such order is unlawful or unreasonable. The evidence considered upon such appeal shall be confined to the evidence presented to the board in the case from the decision in which the appeal is taken, and the order of the board shall remain in full force and effect until such order is reversed or set aside by the district court. In all proceedings in the district court the district attorney shall appear for the board. In all proceedings in the supreme court the attorney-general shall appear for the board.

Sec. 7.—Any person or partnership or corporation employing any female person above the age of eighteen years at less than the minimum wage fixed for such persons by this board, and any person, partnership or corporation employing any person of either sex under the age of eighteen years at less than the minimum wage fixed for such persons by this board, or violating any other provision of this act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars for each offense, or by imprisonment in the county jail for not more than three months or by both fine and imprisonment.

Sec. 8.—Any employer who discharges or in any other manner discriminates against any employee because such

employee has testified, or is about to testify, or because such employer believes that said employee may testify, in any investigation or proceeding relative to the enforcement of this act, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of twenty-five dollars for each such misdemeanor.

Sec. 9.—Justices of the Peace shall have, according to law, jurisdiction within their respective counties of all offenses arising under the provisions of this act.

Sec. 10.—If any employee shall receive less than the minimum wage fixed by this board for employees in the occupation in which said person is employed, he or she shall be entitled to recover in a civil action, the full amount which would have been due said employee if the minimum wage fixed by the board had been paid, together with costs and attorney fees to be fixed by the court, notwithstanding any agreement to work for such lower wage. In such action, however, the employer shall be credited with any wages which have been paid said employee.

Sec. 11.—For any occupation in which a minimum time rate only has been established, the wage board may issue to any female over the age of eighteen, physically defective, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage; Provided, it is not less than the special minimum wage fixed for said person.

Sec. 12.—The wage board shall, by and with the consent of the governor, appoint a secretary who may, or may not be a member of the board, and who shall give his entire time to the duties of the office, whose salary shall be twelve hundred dollars ($1,200.00) per annum, payable monthly. The members of said wage board and the secretary thereof shall be paid all necessary traveling and incidental expenses actually incurred in the performance of their official duties, not to exceed thirteen hundred dollars ($1,300.00) per annum. The board of capitol managers shall provide a suitable room for the

use of said wage board and its secretary. There is hereby appropriated for the payment of the aforesaid salary and expenses, out of any moneys in the state treasury not otherwise appropriated for other ordinary expenses of the departments of the state, the sum of five thousand dollars ($5,000.00); and the auditor of the state is hereby authorized and directed to draw his warrants on said fund upon certified vouchers of the chairman of said board attested by its secretary.

Sec. 13.—The board shall, within thirty days after the convening of the twentieth general assembly, make a report to the governor and to the general assembly, of its investigations and proceedings during the period of its existence, up to and including November 30, 1914.

Sec. 14.—All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

[Approved May 14, 1913.]

Kansas.

Enacted in 1915. (*Chapter 275.*)

An Act to establish an industrial welfare commission for women, learners and apprentices, and minors, prescribing its powers and duties and providing for the fixing of wages, hours, and the standard conditions of labor for such workers: providing penalties for violations of the same.

Be it enacted by the Legislature of the State of Kansas:

Section 1.—That the state of Kansas exercising herewith its police and sovereign power declares that inadequate wages, long continued hours and unsanitary conditions of labor, exercise a pernicious effect on the health and welfare of women, learners and apprentices, and minors.

Sec. 2.—That it shall be unlawful to employ women, learners, and apprentices and minors in any industry or occupation within the state of Kansas under conditions of labor detrimental to their health or welfare and it shall be unlawful to employ women, learners, and apprentices and minors in any industry within the state of Kansas at wages which are not adequate for their maintenance and for more hours in any one day than is consonant with their health and welfare, except as hereinafter provided.

Sec. 3.—That there is hereby created a commission to be known as the Industrial Welfare Commission for the state of Kansas to establish such standard of wages, hours, and conditions of labor for women, learners and apprentices, and minors employed within this state as shall be held hereunder to be reasonable and not detrimental to health and welfare. This commission shall consist of the commissioner of labor and two others appointed by the governor. No two of whom shall be from any one congressional district. At least one member of this commission shall be a woman. The first appoint-

ment shall be made within sixty days after the passage of this act. One member shall be appointed to serve until January 1, 1917, a second to serve until January 1, 1918. Thereafter each member shall be appointed for a term of four years and until his successor is appointed and qualifies. The governor shall have the power of removal for cause. Any vacancy that may occur shall be filled in like manner for the unexpired portion of the term. The commission shall have power to elect its own chairman, a secretary, and such other employees as it may require. Two members of the commission shall constitute a quorum at all regular meetings; provided, that no person shall be appointed on such commission, who is related by blood or marriage to the commissioner of labor, or to any state officer, or to any member of any other state board or commission. And no person shall be appointed to any place or position on said commission or be employed by such commission in any way, who is related by blood or marriage to any member thereof, or to any of its chief officers or heads of departments.

Sec. 4.—That each member of the commission shall be paid all traveling and other necessary expenses incurred in the performance of his or her official duties, but shall serve without salary. The commission may incur other necessary expenses not exceeding the appropriation therefor and shall be provided with an office in the state house.

Sec. 5.—That the commission may at its discretion investigate wages, hours and sanitary and other conditions affecting women, learners and apprentices and minors in any industry or occupation in the state. Upon the request of not less than twenty-five persons engaged in any occupation in which women, learners and apprentices and minors are employed, it shall become the duty of the commission to make such investigation as is herein provided. To this end, said commission shall have full power and authority to call for statements and to examine, either through its members or other authorized representatives, all pay-rolls or other wage records of all per-

sons, firms or corporations employing women, learners and apprentices and minors as to any matter that would have a bearing upon the question of wages, hours, or labor conditions of such employees.

SEC. 6.—That every employer of women or of learners and apprentices, or of minors shall keep a register of all such persons employed by him in such form as the commission shall prescribe; and every such employer shall on request permit the commission, or any of its members, or agents to inspect such register.

SEC. 7.—That the commission may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any matters it is authorized to investigate by this act. At any such public hearings, any employee, or employer or other interested person may appear and give testimony as to wages, hours, sanitation and other pertinent conditions of the occupation or industry under investigation. The commission or any member thereof shall have power to subpoena witnesses, to administer oaths, to compel the production of all wage records, papers, and other evidence, and to make findings and report such findings to the commission; but no order shall be made by less than a majority of the commission. Witnesses subpoenaed by the commission may be allowed such compensation for travel and attendance as the commission may deem reasonable, to an amount not exceeding the usual mileage and per diem allowed by statute to witnesses in civil cases in the district court.

SEC. 8.—That if after investigation the commission is of the opinion that in any occupation the wages, hours and conditions, sanitary and otherwise, are prejudicial to the health or welfare of any substantial number of the classes of employees named in this act and are inadequate to supply the necessary cost of living and to maintain the worker in health it shall establish a wage, hour or sanitary board as the conditions developed may demand, which shall hereinafter be described as the

"board" consisting of not less than three representatives of employers in the occupation in question, of an equal number of persons to represent the employees in the occupation in question, and of one or more disinterested persons appointed by the commission to represent the public, and shall make rules and regulations governing the selection of members and the modes of procedure of the board, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and of the determinations of the board. The members of the board shall be compensated at the same rate as jurors in civil cases in the district court, and they shall be allowed the necessary traveling and clerical expenses incurred in the performance of their duties.

Sec. 9.—That the commission may transmit to each board all pertinent information in its possession relative to the wages, hours and sanitary conditions of the occupation in question. Each board shall endeavor to determine the minimum wage, whether by time-rate or piece-rate, required in the case of a woman worker of ordinary ability in the occupation in question to supply the necessary cost of living and the number of hours and other sanitary conditions necessary to maintain her health, and suitable minimum wages, hours, and sanitary conditions for learners and apprentices, and minors. Provided, however, that such board may recommend different minima hours and standards for each class in an occupation of different localities in the state, when, in the judgment of said board, the different conditions obtaining justify such action. When a majority of the members of a board shall agree upon minimum wage, standard of hours, or sanitary determinations, they shall report such determinations to the commission, together with the reasons therefor and the facts relating thereto.

Sec. 10.—That upon receipt of the report of the determinations of a board, the commission shall consider and review the same; and it may approve any or all of such determinations or disapprove any or all of them;

and it may re-submit to the same board, or a new board, any subject covered by any determinations so disapproved. If the commission approves any determination contained in a report from a board, it shall publish a notice, not less than once a week for four successive weeks in the official state paper, that it will on a date and at a place named in said notice, hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and, after said publication of said notice and said meeting, the commission may, in its discretion, make and render such an order as may be proper or necessary to adopt such determinations and carry the same into effect, and require all employers in the occupation affected thereby to observe and comply with such determinations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the 60th day following its making and rendition. The commission shall, in so far as it is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment.

Sec. 11.—That whenever wages, hours, or conditions of labor have been made mandatory in any occupation, upon petition of either employers or employees, the commission may at its discretion re-open the question and re-convene the former board or call a new one, and any determinations made by such board shall be dealt with in the same manner as were the original determinations.

Sec. 12.—That for any occupation in which only a minimum time wage has been established, the commission may issue to an employee physically defective or crippled, or of less than ordinary ability, or learners, apprentices and minors a special license authorizing the employment of such person at a wage and for a number of hours less than that fixed by said commission to be stated in said license.

SEC. 13.—That the word "occupation" as used in this act shall be so construed as to include any and every vocation and pursuit and trade and industry. The words "learners" and "apprentices" shall include only such learners and apprentices as are minors or are women. Any board may make a separate inquiry into and report on any branch of any occupation; and the commission may make a separate order affecting any branch of any occupation. A "minor" shall mean a person, male or female, under 18 years of age. A "woman" shall mean any female 18 years of age and over. Any board may include in its determinations definitions of "learner" and "apprentice" and the commission shall have power to make such rules and regulations and to issue such orders relating to the same as it deems necessary to make effective the object of this act.

SEC. 14.—Any employer or employee or other person who shall be interested therein, who shall be dissatisfied with any order, ruling or holding of the commission may, within thirty days from the making thereof, commence an action in the district court of Shawnee county or in the district court in the county in which the person so complaining shall reside or have his principal place of business against the industrial welfare commission, as defendant, to vacate and set aside such order, ruling or holding on the ground that the same is unauthorized by law, confiscatory or unreasonable, and in any such action all determinations of questions of fact which shall have been made by the commission under the foregoing provisions of this act shall be presumed to be correct and the burden of proof shall be upon the plaintiff to show the incorrectness of such determinations. In all such actions, the attorney general shall appear for and represent such commission. All such actions shall have preference in any court and on motion shall be advanced over any civil cause of a different nature pending in such court and such actions shall be tried and determined as other civil actions. Appeal from any decision of the district court may be taken from the district court to the supreme court

in the same manner as provided by law in other civil actions and shall have precedence in the supreme court over civil cases of a different nature. During the pendency of any such action the orders, rulings and holdings complained of shall, unless temporarily stayed or enjoined by the court, remain in full force and effect until final judgment. Service of summons on any member of the board shall be sufficient service on the board.

Sec. 15.—That a violation of any provision of this act shall constitute a misdemeanor, and any one convicted thereof shall be punished by a fine of not less than twenty-five ($25.00) dollars, nor more than one hundred ($100.00) dollars for each such misdemeanor.

Sec. 16.—That any employer who discharges or in any other manner discriminates against any employee because such employee has signed or agreed to sign any request to the commission to investigate wages, hours, or sanitary, or other labor conditions, or has testified or is about to testify, or because such employer believes that said employee may testify in any investigation or proceedings or sign any request relative to the enforcement of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars for each such misdemeanor.

Sec. 17.—That any employer who employs any woman, or minor, learner or apprentice in any occupation at less than the minimum wage or for a greater number of hours in a day or week fixed or under sanitary or other conditions forbidden by order or license issued by the commission, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100) dollars for each such misdemeanor. Any woman or minor or learner or apprentice who shall receive less than the minimum wage or shall be compelled to work for a greater number of hours than

that fixed by order or license issued by the commission, shall be entitled to recover in a civil action the full amount of the legal minimum wage, and compensation at the same rate for the number of hours of over-time work as herein provided for, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for such lesser wage or greater number of hours. In such action, however, the employer shall be credited with any wages which have been paid upon account.

Sec. 18.—That the commission shall, from time to time, investigate and ascertain whether or not employers or employees in the state of Kansas are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers and employees as are not observing and complying with its orders.

Sec. 19.—That the Commissioner of labor and the several inspectors of the bureau of labor shall, at any and all times, give to the commission any information or statistics in their respective offices that may assist said commission in carrying out this act and render such assistance to said commission as may not be inconsistent with the performance of their respective official duties.

Sec. 20.—That the commission shall biennially make a report to the governor and legislature of its investigations and proceedings, and such reports shall be printed and distributed as in the case of other executive documents.

Sec. 21.—That this act is to be construed as supplemental to existing laws regulating the employment of women, learners and apprentices and minors.

Sec. 22.—That this act shall take effect and be in force from and after its publication in the statute book.

[Approved March 6, 1915.]

Massachusetts.

First enacted in 1912 (Chapter 706). Amended in 1913 (Chapters 673 and 330) in 1914 (Chapter 368), in 1915 (Chapter 65) and 1916 (Chapter 303).

An Act to establish the minimum wage commission and to provide for the determination of minimum wages for women and minors.

Be it enacted, etc., as follows:

Section 1.—There is hereby established a commission to be known as the Minimum Wage Commission. It shall consist of three persons, one of whom may be a woman, to be appointed by the governor, with the advice and consent of the council. One of the commissioners shall be designated by the governor as chairman. The first appointments shall be made within ninety days after the passage of this act, one for a term ending October first, nineteen hundred and thirteen, one for a term ending October first, nineteen hundred and fourteen, and one for a term ending October first, nineteen hundred and fifteen; and beginning with the year nineteen hundred and thirteen, one member shall be appointed annually for the term of three years from the first day of October and until his successor is qualified. Any vacancy that may occur shall be filled in like manner for the unexpired part of the term.

Sec. 2.—Each commissioner shall be paid ten dollars for each day's service, in addition to the traveling and other expenses incurred in the performance of his official duties. The commission may appoint a secretary, who shall be the executive officer of the board and to whose appointment the rules of the civil service commission shall not apply. It shall determine his salary, subject to the approval of the governor and council. The commission may incur other necessary expenses not exceeding the annual appropriation therefor, and shall be provided with an office in the state house or in some other suitable building in the city of Boston.

SEC. 3.—It shall be the duty of the commission to inquire into the wages paid to the female employees in any occupation in the commonwealth, if the commission has reason to believe that the wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and to maintain the worker in health.

SEC. 4.—If after such investigation the commission is of the opinion that in the occupation in question the wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health, the commission shall establish a wage board consisting of an equal number of representatives of employers in the occupation in question, and of persons to represent the female employees in said occupation, and of one or more disinterested persons appointed by the commission to represent the public, but the representatives of the public shall not exceed one-half of the number of representatives of either of the other parties. The commission shall give notice to employers and employees in said occupation by publication or otherwise of its determination to establish a wage board and shall request that said employers and employees, respectively, nominate representatives for said board by furnishing names to the commission. The representatives of employers and employees shall be selected by the commission from names furnished by the employers and by the employees, respectively, provided that these names are furnished within ten days after the request of the commission. The commission shall designate the chairman from among the representatives of the public, and shall make rules and regulations governing the selection of members and modes of procedure of the boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and of the determinations of the boards. The members of wage boards shall be compensated at the same rate as jurors; they shall be allowed the necessary traveling and clerical expenses incurred in the per-

formance of their duties, these payments to be made from the appropriation for the expenses of the commission.

Sec. 5.—The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid in the occupation in question. Each wage board shall take into consideration the needs of the employees, the financial condition of the occupation and the probable effect thereon of any increase in the minimum wages paid, and shall endeavor to determine the minimum wage, whether by time rate or piece rate, suitable for a female employee of ordinary ability in the occupation in question, or for any or all of the branches thereof, and also suitable minimum wages for learners and apprentices and for minors below the age of eighteen years. When a majority of the members of a wage board shall agree upon minimum wage determinations, they shall report such determinations to the commission, together with the reasons therefor and the facts relating thereto.

Sec. 6.—Upon receipt of a report from a wage board, the commission shall review the same, and may approve any or all of the determinations recommended, or may disapprove any or all of them, or may recommit the subject to the same or to a new wage board. If the commission approves any or all of the determinations of the wage board it shall, after not less than fourteen days' notice to employers paying a wage less than the minimum wage approved, give a public hearing to such employers, and if, after such public hearing, the commission finally approves the determination, it shall enter a decree of its findings and note thereon the names of employers, so far as they may be known to the commission, who fail or refuse to accept such minimum wage and to agree to abide by it. The commission shall thereafter publish at such times and in such manner as it may deem advisable a summary of its findings and of its recommendations. It shall also at such times and in such manner as it shall deem advisable publish the facts, as it may find them to be, as to the acceptance of its recommendations

by the employers engaged in the industry to which any of its recommendations relate, and may publish the names of employers whom it finds to be following or refusing to follow such recommendations. An employer who files a declaration under oath in the supreme judicial court or the superior court to the effect that compliance with the recommendation of the commission would render it impossible for him to conduct his business at a reasonable profit shall be entitled to a review of said recommendation by the court under the rules of equity procedure. The burden of proving the averments of said declaration shall be upon the complainant. If, after such review, the court shall find the averments of the declaration to be sustained, it may issue an order restraining the commission from publishing the name of the complainant as one who refuses to comply with the recommendations of the commission. But such review, or any order issued by the court thereupon, shall not be an adjudication affecting the commission as to any employer other than the complainant, and shall in no way affect the right of the commission to publish the names of those employers who do comply with its recommendations. The type in which the employers' names shall be printed shall not be smaller than that in which the news matter of the paper is printed. The publication shall be attested by the signature of at least a majority of the commission.

Sec. 7.—Whenever a minimum wage rate has been established in any occupation, the commission may, upon petition of either employers or employees, reconvene the wage board or establish a new wage board, and any recommendation made by such board shall be dealt with in the same manner as the original recommendation of a wage board.

Sec. 8.—For any occupation in which a minimum time rate only has been established, the commission may issue to any woman physically defective a special license authorizing the employment of the licensee for a wage less than the legal minimum wage; *provided*, That it is

not less than the special minimum wage fixed for that person.

Sec. 9.—The commission may at any time inquire into the wages paid to minors in any occupation in which the majority of employees are minors, and may, after giving public hearings, determine minimum wages suitable for such minors. When the commission has made such a determination, it may proceed in the same manner as if the determination had been recommended to the commission by a wage board.

Sec. 10.—Every employer of women and minors shall keep a register of the names, addresses and occupations of all women and minors employed by him, together with a record of the amount paid each week to each woman and minor, and shall, on request of the commission or of the director of the bureau of statistics, permit the commission or any of its members or agents, or the director of the bureau of statistics or any duly accredited agent of said bureau, to inspect the said register and to examine such parts of the books and records of employers as relate to the wages paid to women and minors. The commission shall also have power to subpoena witnesses, administer oaths and take testimony. Such witnesses shall be summoned in the same manner and be paid from the treasury of the commonwealth the same fees as witnesses before the superior court.

Sec. 11.—Upon request of the commission, the director of the bureau of statistics shall cause such statistics and other data to be gathered as the commission may require, and the cost thereof shall be paid out of the appropriation made for the expenses of the commission.

Sec. 12.—Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or has served or is about to serve upon a wage board, or is or has been active in the formation thereof, or has given or is about to give information concerning the con-

ditions of such employee's employment, or because the employer believes that the employee may testify, or may serve upon a wage board, or may give information concerning the conditions of the employee's employment, in any investigation or proceeding relative to the enforcement of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars, and not more than one thousand dollars for each offence.

Sec. 13.—The commission shall from time to time determine whether employers in each occupation investigated are obeying its decrees, and shall publish in the manner provided in section six, the name of any employer whom it finds to be violating any such decree.

Sec. 14.—Any newspaper refusing or neglecting to publish the findings, decrees or notices of the commission at its regular rates for the space taken shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars for each offence.

Sec. 15.—No member of the commission and no newspaper publisher, proprietor, editor or employee thereof, shall be liable to an action for damages for publishing the name of any employer in accordance with the provisions of this act, unless such publication contains some wilful misrepresentation.

Sec. 16.—The commission shall, annually, on or before the first Wednesday in January, make a report to the general court of its investigations and proceedings during the preceding year.

Sec. 17.—This act shall take effect on the first day of July in the year nineteen hundred and thirteen.

[Approved June 4, 1912.]

General Act 1915. Chap. 65. An Act to Provide for the Posting of Information in Places of Employment.

Section 1.—The minimum wage commission may require employers to post in conspicuous positions in their

places of employment such notices as the said commission may issue for the information of employees.

SEC. 2.—This act shall take effect upon its passage.

(Approved March 12, 1915).

General Acts, 1916. Chapter 303. An Act to Establish Certain Qualifications for Members of the Minimum Wage Commission.

SECTION 1.—Section one of Chapter seven hundred and six of the acts of the year nineteen hundred and twelve is hereby amended by striking out the second sentence, and inserting in place thereof the following: It shall consist of three persons, one of whom shall be an employer of female labor and one of whom may be a woman and one a representative of labor, to be appointed by the governor with the advice and consent of the council—so as to read as follows: Section 1.—There is hereby established a commission to be known as the Minimum Wage Commission. It shall consist of three persons, one of whom shall be an employer of female labor and one of whom may be a woman and one a representative of labor, to be appointed by the Governor with the advice and consent of the council. One of the commissioners shall be designated by the Governor as chairman. The first appointments shall be made within ninety days after the passage of this act, one for a term ending October first, nineteen hundred and thirteen, one for a term ending October first, nineteen hundred and fourteen, and one for a term ending October first, nineteen hundred and fifteen; and beginning with the year nineteen hundred and thirteen, one member shall be appointed annually for the term of three years from the first day of October and until his successor is qualified. Any vacancy that may occur shall be filled in like manner for the unexpired part of the term.

SEC. 2.—This Act shall take effect upon its passage.

[Approved June 2, 1916.]

Minnesota.

Enacted in 1913. (Chapter 547.)

An Act to establish a minimum wage commission, and to provide for the determination and establishment of minimum wages for women and minors.

Be it enacted by the Legislature of the State of Minnesota:

Section 1.—There is hereby established a commission to be known as the minimum wage commission. It shall consist of three persons, one of whom shall be the commissioner of labor who shall be the chairman of the commission, the governor shall appoint two others, one of whom shall be an employer of women, and the third shall be a woman, who shall act as secretary of the commission. The first appointments shall be made within sixty days after the passage of this act for a term ending January 1, 1915. Beginning with the year 1915 the appointments shall be for two years from the first day of January and until their successors qualify. Any vacancy that may occur shall be filled in like manner for the unexpired portion of the term.

Sec. 2.—The commission may at its discretion investigate the wages paid to women and minors in any occupations in the state. At the request of not less than one hundred persons engaged in any occupation in which women and minors are employed, the commission shall forthwith make such investigation as herein provided.

Sec. 3.—Every employer of women and minors shall keep a register of the names and addresses of, and wages paid to all women and minors employed by him, together with number of hours that they are employed per day or per week; and every such employer shall on request permit the commission or any of its members or agents to inspect such register.

Sec. 4.—The commission shall specify times to hold public hearings at which employers, employees, or other

interested persons may appear and give testimony as to wages, profits and other pertinent conditions of the occupation or industry. The commission or any member thereof shall have power to subpoena witnesses, to administer oaths, and to compel the production of books, papers, and other evidence. Witnesses subpoenaed by the commission may be allowed such compensation for travel and attendance as the commission may deem reasonable, to an amount not exceeding the usual mileage and per diem allowed by our courts in civil cases.

Sec. 5.—If after investigation of any occupation the commission is of opinion that the wages paid to one-sixth or more of the women or minors employed therein are less than living wages, the commission shall forthwith proceed to establish legal minimum rates of wages for said occupation, as hereinafter described and provided.

Sec. 6.—The commission shall determine the minimum wages sufficient for living wages for women and minors of ordinary ability, and also the minimum wages sufficient for living wages for learners and apprentices. The commission shall then issue an order, to be effective thirty days thereafter, making the wages thus determined the minimum wages in said occupation throughout the state, or within any area of the state if differences in the cost of living warrant this restriction. A copy of said order shall be mailed, so far as practicable, to each employer affected; and each such employer shall be required to post such a reasonable number of copies as the commission may determine in each building or other work-place in which affected workers are employed. The original order shall be filed with the commissioner of labor.

Sec. 7.—The commission may at its discretion establish in any occupation an advisory board which shall serve without pay, consisting of not less than three nor more than ten persons representing employers, and an equal number of persons representing the workers in

said occupation, and of one or more disinterested persons appointed by the commission to represent the public; but the number of representatives of the public shall not exceed the number of representatives of either of the other parties. At least one-fifth of the membership of any advisory board shall be composed of women, and at least one of the representatives of the public shall be a woman. The commission shall make rules and regulations governing the selection of members and the modes of procedure of the advisory boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and determination of said boards. Provided: that the selection of members representing employers and employees shall be, so far as practicable, through election by employers and employees respectively.

Sec. 8.—Each advisory board shall have the same power as the commission to subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Witnesses subpoenaed by an advisory board shall be allowed the same compensation as when subpoenaed by the commission. Each advisory board shall recommend to the commission an estimate of the minimum wages, whether by time rate or by piece rate, sufficient for living wages for women and minors of ordinary ability, and an estimate of the minimum wages sufficient for living wages for learners and apprentices. A majority of the entire membership of an advisory board shall be necessary and sufficient to recommend wage estimates to the commission.

Sec. 9.—Upon receipt of such estimates of wages from an advisory board, the commission shall review the same, and if it approves them shall make them the minimum wages in said occupation, as provided in section 6. Such wages shall be regarded as determined by the commission itself and the order of the commission putting them into effect shall have the same force and authority as though the wages were determined without the assistance of an advisory board.

Sec. 10.—All rates of wages ordered by the commission shall remain in force until new rates are determined and established by the commission. At the request of approximately one-fourth of the employers or employees in an occupation, the commission must reconsider the rates already established therein and may, if it sees fit, order new rates of minimum wages for said occupation. The commission may likewise reconsider old rates and order new minimum rates on its own initiative.

Sec. 11.—For any occupation in which a minimum time rate of wages only has been ordered the commission may issue to a woman physically defective a special license authorizing her employment at a wage less than the general minimum ordered in said occupation: and the commission may fix a special wage for such person. Provided: that the number of such persons shall not exceed one-tenth of the whole number of workers in any establishment.

Sec. 12.—Every employer in any occupation is hereby prohibited from employing any worker at less than the living wage or minimum wage as defined in this act and determined in an order of the commission: and it shall be unlawful for any employer to employ any worker at less than said living or minimum wage.

Sec. 13.—It shall likewise be unlawful for any employer to discharge or in any manner discriminate against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee is about to testify, in any investigation or proceeding relative to the enforcement of this act.

Sec. 14.—Any worker who receives less than the minimum wage ordered by the commission shall be entitled to recover in civil action the full amount due as measured by said order of the commission, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for a lesser wage.

SEC. 15.—The commission shall enforce the provisions of this act, and determine all questions arising thereunder, except as otherwise herein provided.

SEC. 16.—The commission shall biennially make a report of its work to the governor and the state legislature, and such reports shall be printed and distributed as in the case of other executive documents.

SEC. 17.—The members of the commission shall be reimbursed for traveling and other necessary expenses incurred in the performance of their duties on the commission. The woman member shall receive a salary of eighteen hundred dollars annually for her work as secretary. All claims of the commission for expenses necessarily incurred in the administration of this act, but not exceeding the annual appropriation hereinafter provided, shall be presented to the state auditor for payment by warrant upon the state treasurer.

SEC. 18.—There is appropriated out of any money in the state treasury not otherwise appropriated for the fiscal year ending July 31, 1914, the sum of five thousand dollars ($5,000.00), and for the fiscal year ending July 31, 1915, the sum of five thousand dollars ($5,000.00).

SEC. 19.—Any employer violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of not less than ten nor more than fifty dollars or by imprisonment for not less than ten nor more than sixty days.

SEC. 20.—Throughout this act the following words and phrases, as used herein, shall be considered to have the following meanings respectively, unless the context clearly indicates a different meaning in the connection used:

(1) The terms "living wage" or "living wages" shall mean wages sufficient to maintain the worker in health and supply him with the necessary comforts and conditions of reasonable life; and where the words "mini-

mum wage" or "minimum wages" are used in this act, the same shall be deemed to have the same meaning as "living wage" or "living wages."

(2) The terms "rate" or "rates" shall mean rate or rates of wages.

(3) The term "commission" shall mean the minimum wage commission.

(4) the term "woman" shall mean a person of the female sex eighteen years of age or over.

(5) The term "minor" shall mean a male person under the age of twenty-one years, or a female person under the age of eighteen years.

(6) The terms "learner" and "apprentice" may mean either a woman or a minor.

(7) The terms "worker" or "employee" may mean a woman, a minor, a learner, or an apprentice, who is employed for wages.

(8) The term "occupation" shall mean any business, industry, trade, or branch of a trade, in which women or minors are employed.

SEC. 21.—This act shall take effect and be in force from and after its passage.

[Approved April 26, 1913.]

Nebraska.

Enacted in 1913. (Chapter 211.)

An Act to establish a minimum wage commission and to provide for the determination of minimum wages for women and minors.

Be it enacted by the People of the State of Nebraska:

Section 1.—There is hereby established a commission to be known as the Nebraska minimum wage commission. The governor is hereby made a member of said commission. Within thirty days from the passage and approval of this act he shall appoint the following additional members: deputy commissioner of labor, a member of the political science department of the University of Nebraska, one other member who shall be a citizen of the state. At least one member of said commission shall be a woman. Each of the above appointments shall be for a period of two years and may be renewed thereafter. Any vacancy occurring in the commission shall be filled by the governor. Within ten days after such appointment the commission shall meet and organize by the election of a chairman and secretary.

Sec. 2.—Each commissioner shall be paid all traveling and other expenses incurred in the performance of his or her official duties. The commission may incur other necessary expenses not exceeding the biennial appropriation therefor and shall be provided with an office in the state house or at the state university.

Sec. 3.—It shall be the duty of the commission to inquire into the wages paid to the female employees in any occupation in the commonwealth, if the commission has reason to believe that the wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and to maintain the worker in health.

Sec. 4.—If after such investigation the commission is of the opinion that in the occupation in question the

wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health, the commission shall establish a wage board consisting of not less than three representatives of employers in the occupation in question and of an equal number of persons to represent the female employees in said occupation, and in addition thereto the three appointed members of the commission to represent the public. The chairman of the commission shall be chairman of the wage board and shall make rules and regulations governing the procedure of the board and exercise jurisdiction over all questions arising with reference to the validity of the procedure and the determinations of the board. The secretary of the commission shall be secretary of the wage board and keep such record of hearings and arguments as the wage board shall direct. The members of wage boards shall be compensated at the same rate as jurors in district court; they shall be allowed necessary traveling and other expenses incurred in the performance of their duties, these payments to be made from the appropriation for the expenses of the commission.

Sec. 5.—The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid in the occupation in question. Each wage board shall take into consideration the needs of the employees, the financial condition of the occupation and the probable effect thereon of any increase in the minimum wages paid, and shall endeavor to determine the minimum wage, whether by time rate or piece rate, suitable for a female employee of ordinary ability in the occupation in question, or for any or all of the branches thereof, and also suitable minimum wages for learners and apprentices and for minors below the age of eighteen years. When two-thirds the members of the wage board shall agree upon minimum wage determinations, they shall report such determinations to the commission, together with the reasons therefor and the facts relating thereto, and also the names, so far as they can be ascer-

tained by the board, of employers who pay less than the minimum wage so determined.

Sec. 6.—Upon receipt of a report from the wage board, the commission shall review the same, and report its review to the governor. If the commission approves any or all of the determinations of the wage board it shall, after not less than thirty days' notice to employers paying a wage less than the minimum wage approved, give a public hearing to such employers, and if, after such public hearing the commission finally approves the determination, it shall enter a decree of its findings and note thereon the names of employers, so far as they may be known to the commission, who fail or refuse to accept such minimum wage and to agree to abide by it. The commission shall, within thirty days thereafter, publish the names of all such employers in at least one newspaper in each county in the commonwealth, together with the material part of its findings, and a statement of the minimum wages paid by every such employer. Any employer upon filing a declaration under oath in the district court to the effect that compliance with such decree would endanger the prosperity of the business to which the same is made applicable, shall be entitled to a stay of execution of such decree, and a review thereof with reference to the question involved in such declaration. Such review shall be made by the court under the rules of equity procedure, and if it shall be found by the court that compliance with such decree is likely to endanger the prosperity of the business to which the same is applicable, then an order shall issue from said court revoking the same. The type in which the employers' names shall be printed shall not be smaller than that in which the news matter of the paper is printed. The publication shall be attested by the signature of at least a majority of the commission.

Sec. 7.—In case a wage board shall make a recommendation of a wage determination in which a majority but less than two-thirds of the members concur, the commission, in its discretion, may report such recommendation and the pertinent facts relating thereto to the legislature.

SEC. 8.—Whenever a minimum wage rate has been established in any occupation, the commission may, upon petition of either employers or employees, reconvene the wage board or establish a new wage board, and any recommendation made by such board shall be dealt with in the same manner as the original recommendation of a wage board.

SEC. 9.—For any occupation in which a minimum time rate only has been established, the commission may issue to any woman physically defective a special license authorizing the employment of the licensee for a wage less than the legal minimum wage: *Provided*, that it is not less than the special minimum wage fixed for that person.

SEC. 10.—The commission may at any time inquire into the wages paid to minors in any occupation in which the majority of employees are minors, and may, after giving public hearings, determine minimum wages suitable for such minors. When the commission has made such a determination, it may proceed in the same manner as if the determination had been recommended to the commission by the wage board.

SEC. 11.—Every employer of women and minors shall keep a register of the names and addresses of all women and minors employed by him, and shall on request permit the commission or any of its members or agents to inspect the register. The commission shall also have power to subpoena witnesses, administer oaths and take testimony, and to examine such parts of the books and records of employers as relate to the wages paid to women and minors. Such witnesses shall be summoned in the same manner and be paid from the treasury of the commonwealth the same fees as witnesses before the District Court.

SEC. 12.—The commission may cause such statistics and other data to be gathered as it may deem desirable, and the cost thereof shall be paid out of the appropriation made for the expenses of the commission.

SEC. 13.—Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding relative to the enforcement of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of twenty-five dollars for each offense.

SEC. 14.—The commission shall from time to time determine whether employers in each occupation investigated are obeying its decrees, and shall publish in the manner provided in section six, the name of any employer whom it finds to be violating any such decree.

SEC. 15.—Any newspaper publisher or publishers refusing or neglecting to publish the findings, decrees or notices of the commission at its regular rates for the space taken shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars for each offense.

SEC. 16.—No member of the commission and no newspaper publisher, proprietor, editor or employee thereof, shall be liable to an action for damages for publishing the name of any employer in accordance with the provisions of this act, unless such publication contains some wilful misrepresentation.

SEC. 17.—The commission shall make a report to the governor on or before the 1st day of November, 1914, and biennially thereafter, covering the results secured and data gathered in its work. It may also make such additional reports in the form of bulletins from time to time as in its judgment shall best serve the public interest.

[Approved, April 21, 1913.]

OREGON.

Enacted in 1913. (*Chapter 62.*) *Amended in 1915.* (*Chapter 35*).

AN ACT to protect the lives and health and morals of women and minor workers, and to establish an Industrial Welfare Commission and define its powers and duties, and to provide for the fixing of minimum wages and maximum hours and standard conditions of labor for such workers, and to provide penalties for violation of this act.

WHEREAS, The welfare of the State of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals, and inadequate wages and unduly long hours and unsanitary conditions of labor have such a pernicious effect; *therefore*

Be it enacted by the People of the State of Oregon:

SECTION 1.—It shall be unlawful to employ women or minors in any occupation within the State of Oregon for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the State of Oregon under such surroundings or conditions—sanitary or otherwise—as may be detrimental to their health or morals; and it shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State of Oregon for unreasonably low wages.

SEC. 2.—There is hereby created a commission composed of three commissioners, which shall be known as the "Industrial Welfare Commission"; and the word "commission" as hereinafter used refers to and means said Industrial Welfare Commission; and the word "commissioner" as hereinafter used refers to and means a member of said Industrial Welfare Commission. Said commissioners shall be appointed by the governor. The

governor shall make his first appointments hereunder within thirty days after this bill becomes a law; and of the three commissioners first appointed, one shall hold office until January 1, 1914, and another shall hold office until January 1, 1915, and the third shall hold office until January 1, 1916; and the governor shall designate the terms of each of said three first appointees. On or before the first day of January of each year, beginning with the year 1914, the governor shall appoint a commissioner to succeed the commissioner whose term expires on said first day of January; and such new appointee shall hold office for the term of three years from said first day of January. Each commissioner shall hold office until his successor is appointed and has qualified; and any vacancy that may occur in the membership of said commission shall be filled by appointment by the governor for the unexpired portion of the term in which such vacancy occurs. A majority of said commissioners shall constitute a quorum to transact business, and the act or decision of such a majority shall be deemed the act or decision of said commission; and no vacancy shall impair the right of the remaining commissioners to exercise all the powers of said commission. The governor shall, so far as practicable, so select and appoint said commissioners—both the original appointments and all subsequent appointments—that at all times one of said commissioners shall represent the interests of the employing class and one of said commissioners shall represent the interests of the employed class and the third of said commissioners shall be one who will be fair and impartial between employers and employees and work for the best interests of the public as a whole.

Sec. 3.—The first commissioners appointed under this act shall, within twenty days after their appointment, meet and organize said commission by electing one of their number as chairman thereof and by choosing a secretary of said commission; and by or before the tenth day of January of each year, beginning with the year 1914, said commissioners shall elect a chairman and choose a secretary for the ensuing year. Each such

chairman and each such secretary shall hold his or her position until his or her successor is elected or chosen; but said commission may at any time remove any secretary chosen hereunder. Said secretary shall not be a commissioner; and said secretary shall perform such duties as may be prescribed and receive such salary as may be fixed by said commission. None of said commissioners shall receive any salary as such. All authorized and necessary expenses of said commission and all authorized and necessary expenditures incurred by said commission shall be audited and paid as other state expenses and expenditures are audited and paid.

Sec. 4.—Said commission is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: (a) Standards of hours of employment for women or for minors and what are unreasonably long hours for women or for minors in any occupation within the State of Oregon; (b) Standards of conditions of labor for women or for minors in any occupation within the State of Oregon and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women or of minors in any such occupation; (c) Standards of minimum wages for women in any occupation within the State of Oregon and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health; and (d) Standards of minimum wages for minors in any occupation within the State of Oregon and what wages are unreasonably low for any such minor workers.

Sec. 5.—Said commission shall have full power and authority to investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in the different occupations in which they are employed in the State of Oregon; and said commission shall have full power and authority, either through any authorized representative or any commissioner to inspect and examine any and all books and pay rolls and other records of any employer of women or minors that in any

way appertain to or have a bearing upon the question of wages or hours of labor or conditions of labor of any such women workers or minor workers in any of said occupations and to require from any such employer full and true statements of the wages paid to, and the hours of labor of, and the conditions of labor of all women and minors in his employment.

Sec. 6.—Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit any commissioner or any authorized representative of said commission to inspect and examine such register. The word "minor" as used in this act, refers to and means any person of either sex under the age of eighteen years; and the word "women," as used in this act, refers to and means a female person of, or over, the age of eighteen years.

Sec. 7.—Said commission may hold meetings for the transaction of any of its business at such times and places as it may prescribe; and said commission may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any of the matters it is authorized to investigate by this act. At any such public hearing any person interested in the matter being investigated may appear and testify. Said commission shall have power to subpoena and compel the attendance of any witnesses at any such public hearing or at any session of any conference called and held as hereinafter provided; and any commissioner shall have power to administer an oath to any witness who testifies at any such public hearing or at any such session of any conference. All witnesses subpoenaed by said commission shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the circuit court of Multnomah county.

Sec. 8.—If, after investigation, said commission is of opinion that any substantial number of women workers in any occupation are working for unreasonably long

hours or are working under surroundings or conditions detrimental to their health or morals or are receiving wages inadequate to supply them with the necessary cost of living and maintain them in health, said commission may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said commission and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the representatives of the employees in said occupation and of not more than three disinterested persons representing the public and of one or more commissioners. Said commission shall name and appoint all the members of such conference and designate the chairman thereof. Said commission shall present to such conference all information and evidence in the possession or under the control of said commission which relates to the subject of the inquiry by such conference; and said commission shall cause to be brought before such conference any witnesses whose testimony said commission deems material to the subject of the inquiry by such conference. After completing its consideration of and inquiry into the subject submitted to it by said commission, such conference shall make and transmit to said commission a report containing the findings and recommendations of such conference on said subject. Accordingly as the subject submitted to it may require, such conference shall, in its report, make recommendations on any or all of the following questions concerning the particular occupations under inquiry, to wit: (a) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers; (b) Standards of conditions of labor for women workers and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women workers; (c) Standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health. In its recommen-

dations on a question of wages such conference shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate recommend minimum piece rates as well as a minimum time rate and recommend such minimum piece rates as will, in its judgment, be adequate to supply the necessary cost of living to women workers of average ordinary ability and maintain them in health; and in its recommendations on a question of wages such conference shall, when it appears proper or necessary, recommend suitable minimum wages for learners and apprentices and the maximum length of time any woman worker may be kept at such wages as a learner or apprentice, which said wages shall be less than the regular minimum wages recommended for the regular women workers in the occupation under inquiry. Two-thirds of the members of any such conference shall constitute a quorum; and the decision or recommendation or report of such a two-thirds on any subject submitted shall be deemed the decision or recommendations or report of such conference.

Sec. 9.—As Amended Ch. 35, Acts 1915).—Upon receipt of any report from any conference, said commission shall consider and review the recommendations contained in said report; and said commission may approve any or all of said recommendations or disapprove any or all of said recommendations; and said commission may re-submit to the same conference, or a new conference, any subject covered by any recommendations so disapproved. If said commission approves any recommendations contained in any report from any conference, said commission shall publish notice, not less than once a week for four successive weeks in not less than two newspapers of general circulation published in Multnomah county, that it will on a date and at a place named in said notice, hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and, after said publication of said notice and said meeting, said commission may, in its discretion, make and render such

an order as may be proper or necessary to adopt such recommendations and carry the same into effect, and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the sixtieth day following its making and rendition. After said order becomes effective and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order or to employ any woman worker in any occupation covered by said order for longer hours or under different surroundings or conditions or at lower wages than are authorized or permitted by said order. Said commission shall, as far as is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said commission shall authorize or permit the employment of any woman for more hours per day or per week than the maximum now fixed by law, provided, however, that in case of emergencies which may arise in the conduct of any industry or occupation overtime may be permitted under conditions and rules which the Commission, after investigation, shall determine and prescribe by order and which shall apply equally to all employers in such industry or occupation.

Sec. 10.—For any occupation in which only a minimum time rate wage has been established, said commission may issue to a woman physically defective or crippled by age or otherwise, a special license authorizing her employment at such wage less than said minimum time rate wage as shall be fixed by said commission and stated in said license.

Sec. 11.—Said commission may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in this state and determine suit-

able wages and hours and conditions of labor for such minors. When said commission has made such determination, it may issue an obligatory order in the manner provided for in section 9 of this act; and, after such order is effective, it shall be unlawful for any employer in said occupation to employ a minor at less wages or for more hours or under different conditions of labor than are specified or required in or by said order; but no such order of said commission shall authorize or permit the employment of any minor for more hours per day or per week than the maximum now fixed by law or at any times or under any conditions now prohibited by law.

SEC. 12.—The word "occupation" as used in this act shall be so construed as to include any and every vocation and pursuit and trade and industry. Any conference may make a separate inquiry into and report on any branch of any occupation; and said commission may make a separate order affecting any branch of any occupation. Any conference may make different recommendations and said commission may make different orders for the same occupation in different localities in the state when, in the judgment of such conference or said commission, different conditions in different localities justify such different recommendations or different orders.

SEC. 13.—Said commission shall, from time to time, investigate and ascertain whether or not employers in the State of Oregon are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders.

SEC. 14.—The "Commissioner of Labor Statistics and Inspector of Factories and Work Shops" and the several officers of the "Board of Inspection of Child Labor" shall, at any and all times, give to said commission any information or statistics in their respective offices that would assist said commission in carrying out this act and render such assistance to said commission as may not be inconsistent with the performance of their respective official duties.

Sec. 15.—Said commission is hereby authorized and empowered to prepare and adopt and promulgate rules and regulations for the carrying into effect of the foregoing provisions of this act, including rules and regulations for the selection of members and the mode of procedure of conferences.

Sec. 16.—All questions of fact arising under the foregoing provisions of this act shall, except as otherwise herein provided, be determined by said commission, and there shall be no appeal from the decision of said commission on any such question of fact; but there shall be a right of appeal from said commission to the circuit court of the State of Oregon for Multnomah county from any ruling or holding on a question of law included in or embodied in any decision or order of said commission, and, on the same question of law, from said circuit court to the Supreme Court of the State of Oregon. In all such appeals the attorney-general shall appear for and represent said commission.

Sec. 17.—Any person who violates any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars, or by imprisonment in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court.

Sec. 18.—Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee may testify, in any investigation or proceedings under or relative to this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars.

Sec. 19.—If any woman worker shall be paid by her employer less than the minimum wage to which she is

entitled under or by virtue of an order of said commission, she may recover in a civil action the full amount of her said minimum wage less any amount actually paid to her by said employer, together with such attorney's fees as may be allowed by the court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.

SEC. 20.—Said commission shall, on or before the 1st day of January of the year 1915 and of each second year thereafter, make a succinct report to the governor and legislature of its work and the proceedings under this act during the preceding two years.

SEC. 21.—There is hereby appropriated out of the general fund of the State of Oregon the sum of thirty-five hundred ($3,500) dollars per annum, or so much thereof as may be necessary per annum, to carry into effect the provisions of this act and to pay the expenses and expenditures authorized by or incurred under this act.

[Filed in the office of the Secretary of State, February 17, 1913.]

Utah.

Enacted in 1913. (Chapter 63.)

An Act to establish a minimum wage for female workers, providing a penalty for violation of the provisions of this act and providing for its enforcement.

Be it enacted by the Legislature of the State of Utah:

Section 1.—It shall be unlawful for any regular employer of female workers in the State of Utah to pay any female less than the wage in this section specified, to wit:

For minors, under the age of eighteen years, not less than seventy-five cents per day; for adult learners and apprentices not less than ninety cents per day; *Provided*, that the learning period or apprenticeship shall not extend for more than one year; for adults who are experienced in the work they are employed to perform, not less than one dollar and twenty-five cents per day.

Sec. 2.—All regular employers of female workers shall give a certificate of apprenticeship for time served to all apprentices.

Sec. 3.—Any regular employer of female workers who shall pay to any female less than the wage specified in section 1 of this act shall be guilty of a misdemeanor.

Sec. 4.—The Commissioner of Immigration, Labor and Statistics shall have general charge of the enforcement of this act, but violations of the same shall be prosecuted by all the city, State and county prosecuting officers in the same manner as in other cases of misdemeanor.

[Approved March 18, 1913.]

Washington.

Enacted in 1913. (Chapter 174.)

An Act to protect the lives, health, morals of women and minors, workers, establishing an industrial welfare commission for women and minors, prescribing its powers and duties, and providing for the fixing of minimum wages and the standard condition of labor for such workers, and providing penalties for violation of the same, and making an appropriation therefor.

Be it enacted by the Legislature of the State of Washington:

Section 1.—The welfare of the State of Washington demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals. The State of Washington, therefore, exercising herein its police and sovereign power declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

Sec. 2.—It shall be unlawful to employ women or minors in any industry or occupation within the State of Washington under conditions of labor detrimental to their health or morals; and it shall be unlawful to employ women workers in any industry within the State of Washington at wages which are not adequate for their maintenance.

Sec. 3.—There is hereby created a commission to be known as the "Industrial Welfare Commission" for the State of Washington, to establish such standards of wages and conditions of labor for women and minors employed within the State of Washington, as shall be held hereunder to be reasonable and not detrimental to health and morals, and which shall be sufficient for the decent maintenance of women.

Sec. 4.—Said commission shall be composed of five persons, four of whom shall be appointed by the gov-

ernor, as follows: The first appointments shall be made within thirty (30) days after this act takes effect; one for the term ending January 1st, 1914; one for the term ending January 1st, 1915; one for the term ending January 1st, 1916, and one for the term ending January 1st, 1917: *Provided, however,* That at the expiration of their respective terms, their successors shall be appointed by the governor to serve a full term of four years. No person shall be eligible to appointment as a commissioner hereunder who is, or shall have been at any time within five years prior to the date of such appointment, a member of any manufacturers or employers association or of any labor union. The governor shall have the power of removal for cause. Any vacancies shall be filled by the governor for the unexpired portion of the term in which the vacancy shall occur. The commissioner of labor of the State of Washington shall be *ex officio* member of the commission. Three members of the commission shall constitute a quorum at all regular meetings and public hearings.

Sec. 5.—The members of said commission shall draw no salaries. The commission may employ a secretary, whose salary shall be paid out of the moneys hereinafter appropriated. All claims for expenses incurred by the commission shall, after approval by the commission, be passed to the state auditor for audit and payment.

Sec. 6.—It shall be the duty of the commission to ascertain the wages and conditions of labor of women and minors in the various occupations, trades and industries in which said women and minors are employed in the State of Washington. To this end, said commission shall have full power and authority to call for statements and to examine, either through its members or other authorized representatives, all books, pay rolls or other records of all persons, firms and corporations employing females or minors as to any matters that would have a bearing upon the question of wages of labor or conditions of labor of said employees.

Sec. 7.—Every employer of women and minors shall keep a record of the names of all women and minors employed by him, and shall on request permit the commission or any of its members or authorized representatives to inspect such record.

Sec. 8.—For the purposes of this act a minor is defined to be a person of either sex under the age of eighteen (18) years.

Sec. 9.—The commission shall specify times to hold public hearings, at which times employers, employees or other interested persons may appear and give testimony as to the matter under consideration. The commission shall have power to subpoena witnesses and to administer oaths. All witnesses subpoenaed by the commission shall be paid the same mileage and per diem allowed by law for witnesses before the superior court in civil cases.

Sec. 10.—If, after investigation, the commission shall find that in any occupation, trade or industry, the wages paid to female employes are inadequate to supply them necessary cost of living and to maintain the workers in health, or that the conditions of labor are prejudicial to the health or morals of the workers, the commission is empowered to call a conference composed of an equal number of representatives of employers and employees in the occupation or industry in question, together with one or more disinterested persons representing the public; but the representatives of the public shall not exceed the number of representatives of either of the other parties; and a member of the commission shall be a member of such conference and chairman thereof. The commission shall make rules and regulations governing the selection of representatives and the mode of procedure of said conference, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of said conference. On request of the commission, it shall be the duty of the conference to recommend to the commission an estimate of the minimum wage adequate in the occupation or industry in question to supply the necessary cost of living, and

maintain the workers in health, and to recommend standards of conditions of labor demanded for the health and morals of the employees. The findings and recommendations of the conference shall be made a matter of record for the use of the commission.

Sec. 11.—Upon the receipt of such recommendations from a conference, the commission shall review the same and may approve any or all of such recommendations, or it may disapprove any or all of them and re-commit the subject or the recommendations disapproved of to the same or a new conference. After such approval of the recommendations of a conference the commission shall issue an obligatory order to be effective in sixty (60) days from the date of said order, or if the commission shall find that unusual conditions necessitate a longer period, then it shall fix a later date, specifying the minimum wage for women in the occupation affected, and the standard conditions of labor for said women; and after such order is effective, it shall be unlawful for any employer in said occupation to employ women over eighteen (18) years of age for less than the rate of wages, or under conditions of labor prohibited for women in the said occupation. The commission shall send by mail, so far as practicable, to each employer in the occupation in question a copy of the order, and each employer shall be required to post a copy of said order in each room in which women affected by the order are employed. When such commission shall specify a minimum wage hereunder the same shall not be changed for one year from the date when such minimum wage is so fixed.

Sec. 12.—Whenever wages or standard conditions of labor have been made mandatory in any occupation, upon petition of either employers or employees, the commission may at its discretion re-open the question and re-convene the former conference or call a new one, and any recommendations made by such conference shall be dealt with in the same manner as the original recommendations of a conference.

SEC. 13.—For any occupation in which a minimum rate has been established, the commission through its secretary may issue to a woman physically defective or crippled by age or otherwise, or to any apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix the minimum wage for said person, such special license to be issued only in such cases as the commission may decide the same is applied for in good faith and that such license for apprentices shall be in force for such length of time as the said commission shall decide and determine is proper.

SEC. 14.—The commission may at any time inquire into wages, and conditions of labor of minors, employed in any occupation in the state and may determine wages and conditions of labor suitable for such minors. When the commission has made such determination in the cases of minors it may proceed to issue an obligatory order in the manner provided for in section 11 of this act, and after such order is effective it shall be unlawful for any employer in said occupation to employ a minor for less wages than is specified for minors in said occupation, or under conditions of labor prohibited by the commission for said minors in its order.

SEC. 15.—Upon the request of the commission the commissioner of labor of the State of Washington shall furnish to the commission such statistics as the commission may require.

SEC. 16.—Any employer who discharges, or in any other manner discriminates against any employee because such employee has testified or is about to testify, or because such employer believes that said employee may testify in any investigation or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of from twenty-five dollars ($25.00) to one hundred dollars ($100.00) for each such misdemeanor.

SEC. 17.—Any person employing a woman or minor for whom a minimum wage or standard conditions of labor have been specified, at less than said minimum wage, or under conditions of labor prohibited by the order of the commission; or violating any other of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00).

SEC. 17½.—Any worker or the parent or guardian of any minor to whom this act applies may complain to the commission that the wages paid to the workers are less than the minimum rate and the commission shall investigate the same and proceed under this act in behalf of the worker.

SEC. 18.—If any employee shall receive less than the legal minimum wage, except as hereinbefore provided in section 13, said employe shall be entitled to recover in a civil action the full amount of the legal minimum wage as herein provided for, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for such lesser wage. In such action, however, the employer shall be credited with any wages which have been paid upon account.

SEC. 19.—All questions of fact arising under this act shall be determined by the commission and there shall be no appeal from its decision upon said question of fact. Either employer or employee shall have the right of appeal to the superior court on questions of law.

SEC. 20.—The commission shall biennially make a report to the governor and state legislature of its investigations and proceedings.

SEC. 21.—There is hereby appropriated annually out of any moneys of the state treasury not otherwise appropriated, the sum of five thousand dollars ($5,000.00), or as much thereof as may be necessary to meet the expenses of the commission.

[Approved March 24, 1913.]

Acts of 1915. (*Chapter 68*).

Employment of Women and Children by Telephone Companies.

SECTION 1.—The industrial welfare commission is hereby authorized, in such manner as it shall deem advisable, and upon notice and hearing to parties directly affected thereby, to ascertain and establish such standards of wages, hours of work and conditions of labor of women and minors employed in the telephone industry in rural communities and in cities of less than three thousand (3,000) population, as shall be found to be reasonable and not detrimental to the health and morals of such women and minors and which shall be sufficient for the decent maintenance of such women and minors, and notwithstanding any statute heretofore passed or regulation of such commission heretofore made relative thereto: *Provided,* That nothing in this act contained shall be construed to amend or repeal any law or any regulation relating to wages, hours of labor or conditions of labor of women or minors excepting as in this act authorized. (Approved March 15, 1915.)

Wisconsin.

Enacted in 1913. (Chapter 712.)

An Act to create sections 1729s—1 to 1729s—12, inclusive, of the statutes, relating to the establishment of a living-wage for women and minors, and making an appropriation, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

Section 1729s—1. The following terms as used in sections 1729s—1 to 1729s—12, inclusive, shall be construed as follows:

(1) The term "employer" shall mean and include every person, firm or corporation, agent, manager, representative, contractor, subcontractor or principal, or other person having control or direction of any person employed at any labor or responsible directly or indirectly for the wages of another.

(2) The term "employee" shall mean and include every person who is in receipt of or is entitled to any compensation for labor performed for any employer.

(3) The term "wage" and the term "wages" shall each mean any compensation for labor measured by time, piece or otherwise.

(4) The term "welfare" shall mean and include reasonable comfort, reasonable physical well-being, decency, and moral well-being.

(5) The term "living-wage" shall mean compensation for labor paid, whether by time, piece-work or otherwise, sufficient to enable the employee receiving it to maintain himself or herself under conditions consistent with his or her welfare.

Sec. 1729s—2. Every wage paid or agreed to be paid by any employer to any female or minor employee, except as otherwise provided in section 1729s—7, shall be not less than a living-wage.

Sec. 1729s—3. Any employer paying, offering to pay, or agreeing to pay to any female or minor employe a wage lower or less in value than a living wage shall be deemed guilty of a violation of sections 1729s—1 to 1729s—12, inclusive, of the statutes.

Sec. 1729s—4. It shall be the duty of the industrial commission and it shall have power, jurisdiction and authority to investigate, ascertain, determine and fix such reasonable classifications, and to issue general or special orders, determining the living wage, and to carry out the purposes of sections 1729s—1 to 1729s—12, inclusive, of the statutes. Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 2394—41 to 2394—70, inclusive, of the statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 1729s—1 to 1729s—12, inclusive, of the statutes; and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 2394—41 to 2394—70, inclusive, of the statutes, and the penalties therein shall apply to and be imposed for any violation of sections 1729s—1 to 1729s—12, inclusive, of the statutes.

Sec. 1729s—5. After July 1, 1913, the industrial commission may, upon its own initiative, and after July 1, 1914, the industrial commission shall, within twenty days after the filing of a verified complaint of any person setting forth that the wages paid to any female or minor employee in any occupation are not sufficient to enable such employee to maintain himself or herself under conditions consistent with his or her welfare, investigate and determine whether there is reasonable cause to believe that the wage paid to any female or minor employee is not a living wage.

Sec. 1729s—6. If, upon investigation, the commission finds that there is reasonable cause to believe that the wages paid to any female or minor employee are not a

State	Name		Members and Term	
	Commission	Advisory Board	Commission	
Arkansas Act 191	Minimum Wage Commission	Statute provides none	Commissioner of Labor and Statistics and two women	Statute
California Ch. 324, Laws 1913; amended Ch. 571, Laws 1915	Industrial Welfare Commission	Wage Board (establishment optional)	5; 4 years 1 a woman	Equal of emp and a mission
Colorado Ch. 110, Laws 1913	State Wage Board	Statute provides none	3; 2 years 1 representative of labor, 1 employer, 1 a woman	Statute
Kansas Ch. 275, Laws 1915	Industrial Welfare Commission	Wage Board	3; 4 years. 1 a woman	3 repres 3 of em persons
Massachusetts Ch. 706, Laws 1912; amended by Ch. 330, 673, Laws 1913, Ch. 368, Laws 1914, Ch. 65, Laws 1915, Ch. 303, Laws 1916	Minimum Wage Commission	Wage Board (establishment mandatory for women)	3; 3 years 1 may be a woman, 1 an employer of female labor and 1 a representative of labor	Equal of emplo 1 or public
Minnesota Ch. 347, Laws 1913	Minimum Wage Commission	Advisory Board (establishment optional)	3; 2 years Commissioner of Labor, 1 employer of women, 1 woman secretary	3-10 re ers, sa more re at leas women
*Nebraska Ch. 211, Laws 1913	Minimum Wage Commission	Wage Board (establishment mandatory for women)	4; 2 years Governor, Deputy Commissioner of Labor, member Political Science Department of State University, 1 citizen of State (1 a woman)	Not les of emp and the of Com
Oregon Ch. 62, Laws 1913; amended Ch. 35, Laws 1915	Industrial Welfare Commission	Conference (establishment optional)	3; 3 years 1 representative of employing class, 1 of employed, 1 of public	Not m tives o ployees, ers
Utah Ch. 63, Laws 1913	Commissioner of Immigration, Labor and Statistics	Statute provides none		
Washington Ch. 174, Laws 1913; amended Ch. 68, Laws 1915	Industrial Welfare Commission	Conference (establishment optional)	5; 4 years Commissioner of Labor, 4 persons, none of whom has been within 5 years member of any employers' association or labor union	Equal of empl and 1 of publ
Wisconsin Ch. 712, Laws 1913	Industrial Commission	Advisory Wage Board (establishment mandatory)	3; 6 years	"Selecte sent e the pu

*Inoperative since 1915.

State	Name		Members and Term of Office		Power to Fix	Method of Determ
	Commission	Advisory Board	Commission	Advisory Board		
Arkansas Act 191	Minimum Wage Commission	Statute provides none	Commissioner of Labor and Statistics and two women	Statute provides none	Minimum wages lower or higher than rates fixed in the Act for women and minor female workers in any occupation except in hotels, restaurants and telephone establishments	Minimum wage fixed in the Ac day for experienced female wor of the Commission: 1. Investi 3. Promulgation of higher or l
California Ch. 324, Laws 1913; amended Ch. 571, Laws 1915	Industrial Welfare Commission	Wage Board (establishment optional)	5; 4 years 1 a woman	Equal number representatives of employers and employees and a representative of Commission	Minimum wages, maximum hours and conditions of labor for women and minors under 18 in any occupation	1. Investigation by Commission mendations by advisory board, jection by Commission. 3. Pu sion. 4. Promulgation of order petition or on its own motion, alter or amend
Colorado Ch. 110, Laws 1913	State Wage Board	Statute provides none	3; 2 years 1 representative of labor, 1 employer, 1 a woman	Statute provides none	Minimum wages for women and minors under 18 in any mercantile, manufacturing, laundry, hotel, restaurant, telephone or telegraph business	1. Same as California. 2. S Same as California. 4. Same provides none
Kansas Ch. 275, Laws 1915	Industrial Welfare Commission	Wage Board	3; 4 years. 1 a woman	3 representatives of employers, 3 of employees and 1 or more persons to represent public	Minimum wages, maximum hours and conditions of labor for women and minors in any occupation	1, 2, 3, and 4. Same as Califo chusett
Massachusetts Ch. 706, Laws 1912; amended by Ch. 330, 673, Laws 1913, Ch. 368, Laws 1914, Ch. 65, Laws 1915, Ch. 303, Laws 1916	Minimum Wage Commission	Wage Board (establishment mandatory for women)	3; 3 years 1 may be a woman, 1 an employer of female labor and 1 a representative of labor	Equal number representatives of employers and of employees, 1 or more representatives of public	Minimum wages for women and minors under 18 in any occupation	1. Same as California. 2. San as California. 4. Publication o dations. Names of employers wage may be published. 5. sion may reconvene advisory one
Minnesota Ch. 347, Laws 1913	Minimum Wage Commission	Advisory Board (establishment optional)	3; 2 years Commissioner of Labor, 1 employer of women, 1 woman secretary	3-10 representatives of employers, same of employees, 1 or more representatives of public; at least one-fifth of all to be women	Minimum wages for women and minors under 21 in any occupation	1. Same as California. 2. Publ 3. Report and recommendatio appointed), subject to change sion. 4. Same as California. own motion, Commission may
•Nebraska Ch. 211, Laws 1913	Minimum Wage Commission	Wage Board (establishment mandatory for women)	4; 2 years Governor, Deputy Commissioner of Labor, member Political Science Department of State University, 1 citizen of State (1 a woman)	Not less than 3 representatives of employers, 3 of employees, and the 3 appointed members of Commission	Same as Massachusetts	1, 2, 3. Same as California. 4. of Commission's recommendatio employers not paying recomm Massachusetts
Oregon Ch. 62, Laws 1913; amended Ch. 35, Laws 1915	Industrial Welfare Commission	Conference (establishment optional)	3; 3 years 1 representative of employing class, 1 of employed, 1 of public	Not more than 3 representatives of employers, 3 of employees, 1 or more commissioners	Same as California	1, 2, 3 and 4. Same as Califo none
Utah Ch. 63, Laws 1913	Commissioner of Immigration, Labor and Statistics	Statute provides none			Minimum wages for women fixed in the Act	Minimum wages fixed by Act not less than $1
Washington Ch. 174, Laws 1913; amended Ch. 68, Laws 1915	Industrial Welfare Commission	Conference (establishment optional)	5; 4 years Commissioner of Labor, 4 persons, none of whom has been within 5 years member of any employers' association or labor union	Equal number representatives of employers and of employees and 1 or more representatives of public	Minimum wages and conditions of labor for women and minors under 18 in any occupation	1. Same as California. 2. Pu sion. 3. Report and recommen (if appointed), subject to cha mission. 4. Same as Califor chusetts
Wisconsin Ch. 712, Laws 1913	Industrial Commission	Advisory Wage Board (establishment mandatory)	3; 6 years	"Selected so as fairly to represent employers, employees and the public"	Minimum wages, maximum hours and conditions of labor for women and minors in any occupation	1. Same as California. 2. Ad determinations. 3. Promulga petition, hearing may be held

F THE AMERICAN MINIMUM WAGE LEGISLATION.

	Method of Determining Wage	Basis of Determining Wage	Special Regulations For Defectives	Special Regulations For Learners	Penalties for Violation	Court Review
or the fe- cupa- stau- ablish-	Minimum wage fixed in the Act not less than $1.25 per day for experienced female workers. In addition powers of the Commission: 1. Investigation. 2. Public hearing. 3. Promulgation of higher or lower rate	To supply the necessary cost for proper living and to maintain the health and welfare	Statute provides none	Not less than $1.00 a day for not more than 6 months	Not less than $25 nor more than $100. Each day of non-compliance separate offense	Statute provides none
imum labor under	1. Investigation by Commission. 2. Report and Recommendations by advisory board, subject to change or rejection by Commission. 3. Public hearing by Commission. 4. Promulgation of order. 5. After rehearing upon petition or on its own motion, Commission may rescind, alter or amend	To supply necessary cost of proper living and to maintain the health and welfare	Special license for women renewable semi-annually; Commission may fix number	Special license for apprentices and learners; Commission may fix number	Not less than $50; imprisonment for not less than 30 days, or both; applies to wage rulings only	Superior Court
omen 8 in ring, tele-	1. Same as California. 2. Statute provides none. 3. Same as California. 4. Same as California. 5. Statute provides none	To supply necessary cost of living, to maintain in health and supply the necessary comforts of life; also the financial condition of the business	Special license for women	Statute provides none	Not more than $100, imprisonment for not more than 3 months, or both	District Court
mum abor any	1, 2, 3, and 4. Same as California. 5. Same as Massachusetts	To supply necessary cost of living and to maintain the worker in health	Special license	Special license for learners and apprentices and all minors	Not less than $25 nor more than $100 for each offense	District Court
omen any	1. Same as California. 2. Same as California. 3. Same as California. 4. Publication of Commission's recommendations. Names of employers not paying recommended wage may be published. 5. Upon petition, Commission may reconvene advisory board or establish new one	To supply necessary cost of living and to maintain the worker in health; also the financial condition of the occupation	Same as Colorado	Special rates for learners and apprentices	Name may be published by Commission; $100 for newspaper refusing	Supreme Judicial Court or Superior Court
omen any	1. Same as California. 2. Public hearing by Commission. 3. Report and recommendations by advisory board (if appointed), subject to change or rejection by Commission. 4. Same as California. 5. On petition, or on its own motion, Commission may order new rates	To maintain worker in health and supply the necessary comforts and conditions of reasonable life	Special license for women; not more than one-tenth of workers employed in any establishment	Same as Massachusetts	For each offense not less than $10 or more than $50, or imprisonment for not less than 10 or more than 60 days	Statute provides none
	1, 2, 3. Same as California. 4. Publication in newspapers of Commission's recommendations and names and pay of employers not paying recommended wage. 5. Same as Massachusetts	Same as Massachusetts	Same as Colorado	Same as Massachusetts	Publication of name in newspapers by Commission; $100 for newspapers refusing	District Court
	1, 2, 3 and 4. Same as California. 5. Statute provides none	To supply necessary cost of living and to maintain in health	Same as Colorado	Same as Massachusetts	Not less than $25 nor more than $100; imprisonment not less than 10 days or more than 3 months, or both	Circuit Court
en	Minimum wages fixed by Act: For experienced adults not less than $1.25 per day		None provided in statute	Females under 18 not less than 75 cts. per day; adult learners and apprentices not less than 90 cts. per day	Penalty for misdemeanor	Statute provides none
ons ors	1. Same as California. 2. Public hearing by Commission. 3. Report and recommendations by advisory board (if appointed), subject to change or rejection by Commission. 4. Same as California. 5. Same as Massachusetts	Same as Oregon	Same as Colorado	Special license, time limit to be fixed by Commission	Not less than $25 nor more than $100	Superior Court
	1. Same as California. 2. Advisory board to assist in determinations. 3. Promulgation of order. 4. Upon petition, hearing may be held and order changed	Compensation sufficient to enable employee to maintain himself or herself under conditions consistent with his or her welfare	Special license for women and minors	Minors in a "trade industry" shall be indentured	Not less than $10 nor more than $100 for each offense	Circuit Court

living-wage, it shall appoint an advisory wage board, selected so as fairly to represent employers, employees and the public, to assist in its investigations and determinations. The living-wage so determined upon shall be the living-wage for all female or minor employees, within the same class as established by the classifications of the commission.

SEC. 1729s—7. The industrial commission shall make rules and regulations whereby any female or minor unable to earn the living-wage theretofore determined upon, shall be granted a license to work for a wage which shall be commensurate with his or her ability. Each license so granted shall establish a wage for the licensee, and no licensee shall be employed at a wage less than the rate so established.

SEC. 1729s—8. 1. All minors working in an occupation for which a living-wage has been established for minors, and who shall have no trade, shall, if employed in an occupation which is a trade industry, be indentured under the provisions of sections 2377 to 2386, inclusive, of the statutes.

2. A "trade" or a "trade industry" within the meaning of this act shall be a trade or an industry involving physical labor and characterized by mechanical skill and traning such as render a period of instruction reasonably necessary. The industrial commission shall investigate, determine and declare what occupations and industries are included within the phrase a "trade" or a "trade industry".

3. All minors working in an occupation for which a living-wage has been established for minors but which is not a trade industry, who have no trade, shall be subject to the same provisions as minors between the ages of fourteen and sixteen as provided in section 1728c—1 of the statutes.

4. The industrial commission may make exceptions to the operation of subsections 1 and 2 of this section where conditions make their application unreasonable.

Sec. 1729s—9. Every employer employing three or more females or minors shall register with the industrial commission, on blanks to be supplied by the commission. In filling out the blank he shall state separately the number of females and the number of minors employed by him, their age, sex, wages and the nature of the work at which they are employed, and shall give such other information relative to the work performed and the wages received as the industrial commission requires. Each employer shall also keep a record of the names and addresses of all women and minors employed by him, the hours of employment and wages of each, and such other records as the industrial commission requires.

Sec. 1729s—10. Any employer who discharges or threatens to discharge, or in any way discriminates, or threatens to discriminate against any employee because the employee has testified or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding relative to the enforcement of this act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of twenty-five dollars for each offense.

Sec. 1729s—11. Each day during which any employer shall employ a person for whom a living-wage has been fixed at a wage less than the living-wage fixed shall constitute a separate and distinct violation of sections 1729s—1 to 1729s—12, inclusive, of the statutes.

Sec. 1729s—12. Any person may register with the industrial commission a complaint that the wages paid to an employee for whom a living-wage has been established, are less than that rate, and the industrial commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living-wage.

[Approved July 31, 1914.]

STATE	PART OF STATE	INDUSTRY OR OCCUPATION	WORKERS AGE	WORKERS Cl
Arkansas	All	Manufacturing (except cotton factories and canneries) mechanical, mercantile, laundry, express, transportation, restaurant.	Any	Exp Learner pr
		Telephone		Exp App 1st 2nd to
		Millinery		Exp App 1st to 4th to
California	All	Fruit and Vegetable Canning	Any	Exp Inexp
		Cutting apricots, pears, peaches		
		Cutting tomatoes		
		Canning (size of can 2½ to 10)		
Massachusetts	All	Brush Industry	Any	Exp Lear app
		Laundry	Any	Experie dinar Learner pr Under 3 6 9
		Retail Stores	19 and over	Experie dinar
			18 and over	Learner pr
			17 and over Under 17	
		Women's clothing factories (cloak, suit, skirt, dress and waist shops)	19½ and over 18 and over Under 18	Experie dinar Learner pr

ERS	MINIMUM WAGES			STATE	PART OF STATE	INDUSTRY OR OCCUPATION	WO AGE
CLASS	TIME RATES	PIECE RATES	REMARKS				
Experienced. Learners and apprentices.	$1.25 daily $1.00 daily		Held experienced after 6 months	**Minnesota***	First class cities 2nd, 3rd and 4th class cities Outside	Mercantile, office, waitress, hairdressing occupations	Any
Experienced. Apprentices: 1st month 2nd to 6th month	$1.25 daily $20. monthly $1 daily				First class cities 2nd, 3rd and 4th class cities Outside	Manufacturing, mechanical, telephone, telegraph, laundry, dyeing, dry cleaning, lunch room, restaurant or hotel occupation	
Experienced. Apprentices: 1st to 4th month 4th to 6th month	$1.25 daily $15 to $20 monthly $1.00 daily						
Experienced. Inexperienced.	16c. per hour 13c. per hour	5c. to 15c. per 40 lbs. 3c. per 12 qts. .01c. to .036c. per dozen cans	Held experienced after 3 weeks Rate for overtime (12 hours allowed weekly for women over 18 years) at least 1¼ times stated rates	**Oregon**	Portland	Manufacturing, personal service, laundry, telephone, telegraph, public housekeeping Mercantile. Office.	Over 18
Experienced Learners and apprentices	15½c. per hour 65% of above (about 10c.)	At least 15½c. per hour	Apprenticeship not more than one year		Outside Portland	Same as in Portland	Over 18
Experienced, of ordinary ability. Learners and apprentices: Under 3 Months 3-6 " 6-9 " 9-12 "	$8. weekly $6. weekly $6.50 " $7. " $7.50 "		Held experienced after one year, if absences have not been of unreasonable duration. Females of less than ordinary ability may be paid less by special license		All	Mercantile, manufacturing, personal service, laundry, telegraph, office, public housekeeping Telephone	
Experienced, of ordinary ability. Learners and apprentices.	$8.50 weekly $7. weekly $6. " $5. "		Same as laundries, after reaching age of 18. Extra or part-time workers to receive at least same scale of pay pro rata for time actually employed.		All	Any occupation	16-18
Experienced, of ordinary ability. Learners and apprentices.	$8.75 weekly $7. " $6. "	Same as time rates for week of full-time work.	Held experienced after 1½ years, after reaching age of 18, if absences have not been of unreasonable duration. Females of less than ordinary ability may be paid less by special license				

*Inoperative on account of injunction.

UM WAGE REGULATIONS FOR WOMEN.

JANUARY, 1917.

WORKERS		MINIMUM WAGES					
AGE	CLASS	TIME RATES	PIECE RATES	REMARKS	STATE	PART OF STATE	INDUSTRY OR OCCUPATION
Any	Experienced women and minors of ordinary ability. Does not apply to learners and apprentices	$9 weekly $8.50 weekly $8 weekly			**Utah**	All	All
		$8.75 weekly $8.25 weekly $8 weekly			**Washington**	All	Mercantile (includes cigar and news stands)
Over 18	Experienced	$8.64 weekly $9.25 weekly $40. monthly	$8.64 weekly, average for at least 75% of employes, applies only to manufacturing and laundry.	Held experienced after 1 year			Factory establishment Laundries and dyeworks Telegraph
Over 18	Experienced	$8.25 weekly	$8.25 weekly, average for at least 75% of employes, applies only to manufacturing and laundry.	Same		Seattle Tacoma, Spokane	Telephone
	Apprentices: 1st 4 months 2nd " " 3rd " " Apprentices: 1st 3 months 2nd " " 3rd " " 4th " "	$6. weekly $7. " $8. " $6. weekly $6.60 " $7.20 " $7.80 "	$6. weekly after 3 weeks, applies only to manufacturing and laundry.	Same		Other cities and towns All	Office work
16-18		$6. weekly except as otherwise arranged by commission.					Hotel, restaurant, lunch room occupation except waitresses in hotels and restaurants

STATE	PART OF STATE	INDUSTRY OR OCCUPATION	WORKERS		MINIMUM WAGES		REMARKS
			AGE	CLASS	TIME RATES	PIECE RATES *	
Utah	All	All	Over 18	Experienced	$1.25 daily		Held experienced after 1 year
				Apprentices	$.90 daily		
			Under 18		$.75 daily		
Washington	All	Mercantile (includes cigar and news stands)	Over 18	Experienced.	$10. weekly		Commission may issue licenses for apprentices good for not more than one year. Not more than 17% of adult female employes may be apprentices, of whom only 50% may be paid less than $7.50*
				Apprentices:			
				1st 6 months	$6. "		
				2nd 6 months	$7.50 "		
			Under 18		$6. "		
		Factory establishment	Over 18	Experienced.	$8.90 weekly	Must average stated rates by the month	Licenses issued to apprentices. Range from $1.50 to $8 weekly
			Under 18		$6. "		
		Laundries and dyeworks	Over 18	Experienced.	$9. weekly		Not more than 25% of adult females may be apprentices
			Under 18	Apprentices:			
				1st two months	$6. "		
				3-6 months	$7.50 "		
		Telegraph	Over 18	Experienced.	$9. weekly		
				Apprentices:			
				1st 6 months	$6.50 "		
				2nd 6 months	$7.75 "		
			Under 18		$6. "		
	Seattle Tacoma, Spokane	Telephone	Over 18	Experienced.	$9. weekly		
				Apprentices:			
				1st two months	$6. weekly		
				3-5 "	$6.60 "		
				5-7 "	$7.20 "		
				7-9 "	$7.80 "		
	Other cities and towns			1st three months	$6. "		
				4-9 "	$7.50 "		
	All	Office work	Under 18		$6. weekly		
			Over 18	Experienced	$10. weekly		
				Apprentices:			
				General office work 1st five months	$7.50 weekly		
				Stenography and book-keeping, 1st two months	$8. weekly		
			16-18		$7.50 weekly		
			Under 16		$6. "		
		Hotel, restaurant, lunch room occupation except waitresses in hotels and restaurants	Over 18		$7.50 weekly		

*For detailed apprenticeship rulings, see Second Biennial Report, Washington Industrial Welfare Commission.

PART SECOND.

Experience Upon Which the Legislation Providing for the Establishment of a Minimum Wage for Women is Based.

I. THE EVILS OF LOW WAGES.

A. BAD EFFECT OF LOW WAGES ON THE PUBLIC HEALTH.

(1) Injuries to the Workers.

Authorities agree that the adequacy or inadequacy of wages determines the standard of health of the workers, and hence the standard of public health. No one can maintain health whose earnings are too small to afford the necessities of existence, and to obtain these necessities adequate wages are indispensable.

The dangers to the health of women from low wages are two-fold: lack of adequate nourishment and lack of medical care in sickness.

1.—Investigation proves that with insufficient wages, food is necessarily cut down below the level of subsistence. In order to meet unavoidable expenses for lodging and clothing, working women often reduce their diet to the lowest possible point and health inevitably suffers. Moreover persons who are underfed suffer greater injury from insufficient clothing than those who are well nourished.

2.—Investigation proves that workers receiving the lowest wages are able to spend least on the maintenance of health. Hence they are often without care in sickness, although their need is greatest by reason of low earnings

and consequent hardship. Expenditures for medical treatment increase as income increases. But among the lowest paid workers, the percentage of income spent for the care of health has been found highest.

New York State Department of Health. Health News, Monthly Bulletin. December, 1915. Tropical Sanitation in Its Relation to General Sanitation. Address Delivered at the Fifteenth Annual Conference of Health Officers of New York State, Rochester, September, 1915. W. C. GORGAS, *Surgeon General, United States Army.*

In 1904 our government undertook the construction of the Panama canal. On account of the success of the work at Havana, I was placed in charge of sanitation at Panama. For a period in 1905, when yellow fever was at its height, we found ourselves among a panic-stricken population who believed that we were cranks and fools. Our superiors on the Isthmus at this time had become affected by the prevailing panic and were reporting to the authorities at Washington that our work had failed and were asking that we be relieved, and that men more practical and sane replace us.

This report would have ended sanitary work at Panama along the lines of modern tropical sanitation had it been acted upon.

For the two years succeeding this time we were given the loyal support of our superiors and by the middle of 1907 the work was accomplished. The request for our dismissal was made by the Commission in June, 1905. In September, 1905, the last case of yellow fever occurred in the city of Panama, and only one case has occurred in the Republic of Panama since that time. All health conditions rapidly improved; and soon the Isthmus, as to health, compared favorably with many parts of the United States.

The eradication of yellow fever and the control of certain other maladies was undoubtedly due to the spe-

cial measures taken against these diseases. But these special measures could have had no effect upon health conditions. For the last fifteen years I have given a great deal of thought to this matter. What did we do at Havana and Panama to cause the great general improvement in health conditions which took place shortly after our arrival at both places, and has since continued?

At Panama shortly after our arrival we increased the wages of the common laborers from eleven cents an hour to twenty cents an hour. This was nearly four times the wages of the laborer in the surrounding countries. The laborer knew that every fourth man would die each year of diseases prevalent on the Isthmus and it took strong inducements to get him to come at all.

This large increase in wages caused a great general improvement in all living conditions—more room to live in, better food, and better clothing. I am satisfied that to this improvement in social conditions, caused by our high wages, we principally owe our extraordinary improvement in general health conditions. It is a health officer's duty to urge forward in his community those measures which will control individual diseases, but my long experience has taught me, that it is still more his duty to take that broader view of life which goes to the root of bad hygiene, and do what he can to elevate the general social conditions of his community. This, my experience has taught me, can best be accomplished by increasing wages. (369-70.)

United States Public Health Service. Bulletin No. 76. March, 1916. Health Insurance: Its Relation to the Public Health. B. S. WARREN, *Surgeon, U. S. Public Health Service, and* EDGAR SYDENSTRICKER, *Public Health Statistician, U. S. Public Health Service.*

It is well recognized that the unfavorable conditions under which a large proportion of wageworkers and their families live constitute a baffling problem in the treatment of the sick and in the prevention of disease. Yet

the larger aspect of this phase of the question does not appear until the great extent of these unfavorable conditions is realized. (Page 18.)

Inadequate diet.—The frequent lack of a properly balanced and adequate diet among wageworkers and their families is a factor entering into the problem of their health which has probably been noted by nearly every physician and health and charity worker. The recent findings of Goldberger show clearly that an unbalanced diet causes pellagra, a disease which is found more frequently among low-paid workers than among the well to do. Furthermore, while diet is not a specific factor in the causation of tuberculosis, as in pellagra, the undernourished prove easy victims to the tubercle bacillus. A committee of the American Association for Labor Legislation has stated:*

"With insufficient wages, food is cut down below the level of subsistence. In order to meet expenses for lodging and clothing, working women reduce their diet to the lowest possible point. Health inevitably suffers."

Nearly every investigation by minimum wage commissions has shown that a very large proportion of the independent women workers in all sections of the country are unable to provide enough food and the right kind of food on the wages they receive, and proper subsistence has been thoroughly established as one of the fundamental considerations in the fixing of minimum wages in a number of States.

Extent of inadequate diet.—Income statistics published by the Federal and State Governments in the last few years indicate that a considerable proportion of the families of wageworkers have not been able to maintain a diet that will provide for proper nourishment. A larger proportion can maintain an adequate diet only at the sacrifice of healthful environment and of other items which go to constitute a reasonable standard of living.

* Constitutional Amendments relating to Labor Legislation and Brief in their Defense, submitted to the Constitutional Convention of New York State by a Committee organized by the American Association for Labor Legislation, 1915.

There can be no doubt that nourishing food is sacrificed in a large number of instances in order to obtain some of the comforts and amusements and to gratify some of the wants which are entirely natural and to be expected of the average American.

An examination of a number of studies of the budgets of American workingmen's families indicates that the point of adequate subsistence is not reached until the family income is about $800 a year.

Less than half of the wage earners' families in the United States have an annual income of that size, according to all statistics of income for workingmen's families. If this be true, over half of the families of American wage earners must either lower their standard of life in other respects in order to have an adequate diet, or make sacrifices in their diet in order to secure healthful housing, favorable community environment, and a few of the reasonable comforts. Professor Chapin's study of the budgets and standard of living of several hundred typical workingmen's families in New York City in 1908 affords an illustration of this condition. An analysis made by Professor Underhill of the nutrition values of the food of these families showed that the proportion of underfed families were as follows:

TABLE 2.

Family incomes and percentages of underfed families in each income group.

Family income	Per cent. of underfed families	Family income	Per cent. of underfed families
$400-$599	76	$900-$1,099	9
$600-$799	32	$1,100 and over	0
$800-$899	22		

"This means," comments Prof. Chapin, "that with less than $600 to spend for all purposes, an adequate food supply is not provided, and that on from $600 to

$800 incomes 1 family in 3 is underfed, while less than 1 in 10 of the families having $900 and $1,000 to spend fell short of the minimum for food." (Page 20.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Volume IV. Appendix VII. Living On Six Dollars a Week.

About three hundred girls and women, living in the large cities all over the state, were interviewed and the account of their expenditures carefully tabulated. The fact most strikingly brought out by this study is that on less than a living wage, one or another item—essential to every normal person's budget—is reduced to a minimum or dropped entirely. . . .

Cutting Down on Food.

"If I were paying a regular sum—say $4 or $5 a week for board, I never could get along in the world," one girl said. "It's only by being able to cut down on food when I need to that I can manage at all." The food budget for herself and her sister who are clubbing together with another clerk proves this statement to be true, for it varies from $3 a week to $1.20.

Another little girl of twenty, who is getting $6.50 a week in the millinery work room of a large department store, laughingly said: "I buy my suits with my lunches. Usually I have rolls and coffee for breakfast—that's 10c. —then a sandwich and a glass of milk—that's 15c. for lunch—and then a real good 25c. treat for dinner. But, of course, when I have to pay for a suit or a hat or a pair of shoes it's different. Then I have one meal and perhaps two a day until the bill's paid." . . .

"Another girl of twenty-two was sick last winter and absent from work for a week. The doctors called her illness "general anaemia". "Worn out" and "exhausted" were the words which they used. Her story, later learned in detail, was a sufficient explanation of this breakdown. She never eats any breakfasts, having found out by experience that breakfast was the easiest

meal for her to leave out. She is a clerk getting $6 a week as saleslady in the white goods department of a large up-state store. "You see I've figured it all out," she said, "I pay $2 for my room—that bill has to be met every week. Then once a month 25c. is taken out of my pay envelope for the store Benefit Fund. That also is regular and can't be cut down. I've got to dress decent to keep my job. If I didn't spend $1.25 a week on clothes they'd fire me sure. So you see yourself the only thing that is left me to economize on is food." Fifteen or 20c. is the highest amount she ever pays for lunch and dinner. "You know sometimes I just long for a good 30c. meal," she said. "But I haven't the price of it in my pocketbook so what can I do? I get so tired of those 20c. dinners year in and year out, that often I think I'd rather not eat at all." (Pages 1675-76.)

No Provision for Savings or Sickness.

In every normal person's budget savings form as important an item as food or rent or clothing. The lack of savings, therefore, results from underpayment as much as the lack of food or proper living quarters. And the budget of many thousands of working girls will reveal this lack. . . .

The inroads that sickness make upon the yearly budget are strikingly brought out in a detailed account of expenditures kept for several months by a little widow working in a paper-box concern. Mrs. R., ever since her husband's death six years ago, has been working with the same firm. Recently she was promoted to inspector because of her capable, skilled working record. She inspects about 30,000 boxes a day watching for twelve defects on each box and receives $5 a week.

The daughter, the only other member of the family, earns $6, this combined $11 wage being the only source of income. When all goes well the account shows an average expenditure of $4.25 a week for food. $4.08, $4, $4.50, $4.58, $4.03, etc., are the exact amounts entered. But when Mrs. R. was sick, the amount spent for food dropped to $2.98 and $2.88. Later on when Mrs. R. re-

ceived a raise in salary it jumped to $6. The account also shows that, while Mrs. R. was sick and absent from work only two entire weeks and part of two other weeks, she could save nothing for seven weeks, although heretofore savings had been a regular part of her budget. She could allow no expenditure for incidentals for seven weeks and no expenditure for pleasure for nine weeks. (Pages 1686-88.)

*The Industrial Commission of Ohio. Department of Investigation and Statistics. Report No. 14. 1915. Cost of Living of Working Women in Ohio.**

A third method, among women and girl workers, of reducing expenses for meals is entirely to dispense with breakfast or to eat only fruit, or perhaps a cereal that requires no cooking. Girls who are having a hard fight to stretch a small income may also omit some other meal than breakfast, especially when they are trying to save money for some special purpose, such as the monthly room rent or shoes. The seriousness of a wage situation which is such that women and girls are compelled to forego meals to meet expenses, requires no comment.

It is around this elemental problem of food and shelter that the battle of life centers for the low paid woman worker. Numerous entries in the account books testify to the stress under which the workers who kept them lived. . . .

Many budgets and accounts which had to be excluded from the general tables because their various items could not be expressed in definite money values were most striking commentaries on the struggle for food and shelter. (Page 48.)

Two budgets and accounts kept by two friends in a large city, these being used both in the tabulation of budgets and of daily accounts, are conclusive evidence of the terrible nearness of the actual want which faces the low paid woman worker. The daily accounts of these

*208 women and girls furnished daily accounts for periods varying from four to six weeks each.

workers were kept for five weeks each. Both of the young women were twenty-three years of age and both had completed grammar school. Their total income for the budget year were $294 and $300 respectively, in a factory occupation at the rate of $6 per week. Every item of the budget shows the bitterness of economy to which these girls were driven. The weekly rate for food and shelter for one was $4.14, for the other $4.34. As a sidelight on other items in their budgets, clothing expenditures for each were between thirty and thirty-five dollars for the year.

Both girls contrived to keep even, by means of the most rigid economy, as long as they worked on full time. But during the five week period for which the account books were being kept, the industrial depression affected the plant where the girls worked and they were employed only on part time. The simple entries of those two account books tell the story of what happened in unforgetable fashion. First breakfast disappeared, but for a day or two lunch, which has formerly been a ten cent meal, became a fifteen cent meal. It soon dropped back to its old figure. Next the evening meal disappeared, and these girls were actually on a one meal a day basis and that one meal was a ten or fifteen cent lunch. Presently a kindly neighbor discovered the plight of the girls, and began to invite them to take occasional meals with her. Over and over on the same page with a ten-cent entry for lunch appears the entry "Supper at Mrs. Brown's."

At last the uncle of one of the girls discovered their difficulties. He offered them a home with him in another town until they could again find employment at a wage which would enable them to live, and they gave up the struggle and accepted his offer. (Pages 49-50.)

In examining the daily records of 208 women, kept for an average period of 6 weeks, one cannot help being struck by the meagreness of expenditure for meals in many cases, and the absence of items for breakfast or lunch. Often a sundae takes the place of lunch or a bag of cakes or fruit goes for the evening meal, and some

instances were found of women going day after day with only one meal, but from the health view point these are dubious methods of economizing.

National Health Insurance. Report of the Departmental Committee on Sickness Benefit Claims under the National Insurance Act, 1914. Appendix. Vol. I. Minutes of Evidence. (*Cd., 7687.*) *London, 1914.*

Mr. J. A. Jefferson, Actuary of the National Amalgamated Approved Society.

The other point is that low wages not only induce malingering, but also cause sickness. Many women are not able to obtain proper nourishment, and so on. We believe that quite a percentage of the excess sickness can be accounted for by real genuine sickness, which in the past owing to the circumstances of the worker has had to be ignored. By this we mean that we are sure that whereas, prior to the Act, female members would in large numbers continue their employment, when as a matter of fact, they were not physically fit to do so, now that they can receive the benefit, which is quite a significant proportion of their wages, they declare on the fund, and prefer to lose the difference between their wages and their sickness benefit rather than go to work in a damaged state of health, and obtain a larger amount of cash. (Page 210.)

Biennial Report of the Wisconsin Bureau of Labor and Industrial Statistics, 1907-1908. Women Workers in Milwaukee Tanneries. Irene Osgood, *Special Agent.*

In the tanneries so far as could be observed, no great amount of serious illness existed. To be sure, many complained that the work "makes us sick". Many had trouble with their eyes. Many declared they "couldn't eat". Some complained of injuries from over-lifting. Tuberculosis, too, was suspected in some cases and con-

firmed in several. But the great harm to the health of women in such work is the general and almost imperceptible undermining of the reserve power of the individual.

Men who are on a salary, or who are independent, may work long hours for many weeks, but to such there usually comes a time when they may take a rest without losing their incomes. This difference is too often ignored by well-to-do managers and superintendents who sometimes find great personal satisfaction in making comparisons between their long day and night business vigils and the ten-hour work day of their employees. The business manager may go to Europe for a month without losing his income. The salaried worker has his regular vacation. But if the wage-worker stops, the pay check stops too. If a factory girl is extremely tired or is really ill in the morning, she goes to work just the same. She does a poor day's work and drags herself home still more worn and dejected. And this continues. Her nervous system and youthful bodily strength give way little by little until ability to resist disease practically disappears. (Pages 1060-61.)

The Standard of Living Among Workingmen's Families. Robert Coit Chapin, *Professor of Economics and Finance, Beloit College, Wisconsin. Russell Sage Foundation Publication. New York. 1909.*

In order to secure evidence as to the nutritive value of the food reported by the families interviewed, 100 schedules selected so as to represent all nationalities and income-groups were sent for examination to Professor Frank P. Underhill, assistant professor of Physical Chemistry in Yale University. While the returns were not stated with scientific exactness as to the amount of each article consumed, and no allowance could be made for wastes, a rough approximation to the nutritive value of the dietary was calculated, which may be considered to throw much light on the question of the adequacy of the food provided. . . . On the basis of the prices pre-

vailing in the summer of 1907, Dr. Underhill found that the families which spent at the rate of less than 22 cents per man per day were not receiving enough food to maintain physical efficiency;* that is, for less than this amount the family did not purchase materials sufficient to provide a minimum allowance of 100 to 125 grams of protein and 2500 to 3000 calories of fuel for the tissues. (Pages 125-126.)

Applying the minimum suggested by Dr. Underhill, 22 cents per man per day, we have the result shown in Table 63 (page 141). The showing by income-groups is as follows:

Income	Total Number of Families	—Underfed Families— (22 cents per man per day and under) Number	Per Cent.
$400 to $599	25	19	76
600 to 799	151	48	32
800 to 899	73	16	22
900 to 1099	94	8	9
1100 and over	48	0	0
	391	91	23.2

This means that with less than $600 to spend for all purposes, an adequate food-supply is not provided, and that on from $600 to $800 incomes 1 family in 3 is underfed, while less than 1 in 10 of the families having $900 and $1,000 to spend fell short of the minimum for food. (Pages 127-128.)

Table 93 (page 188) shows more clearly how expenditure for the cure of sickness increases as income increases. The table shows the number of families, by income and nationality, that report spending less than $10, from $10 to $20, and so on. It will be seen that the number of families reporting the smaller sums is greatest in the lower income-groups and vice versa. Of the 132

* Dr. Atwater, from data gathered 1896-7, estimated the cost at 23-25 cents per man per day.

families with incomes between $600 and $800 that report expenditure for health 48.5 per cent. spend less than $10, as against 36.6 per cent. of the 82 families with incomes of from $900 to $1,100 that report expenditure for health. On the other hand expenditures of $75 and over are reported by 13.4 per cent. of the families in the upper income classes ($900 to $1,099), and by but 3.8 per cent. of the families in the lower income classes ($600 to $799). (Pages 182 and 183.)

An examination of the cases of serious illness shows how such an illness draws on the slender resources of the family. An American family, for instance, in the $700 income group, reports spending $41.60 for a child who did not live, and for the mother, who suffers from nervous prostration. In another case in the same income group an expenditure of $41 is reported, with the statement that the mother had pleuropneumonia, following the birth of a child. These families spent 6 per cent. of their income, or three weeks' wages of the man, for relief in sickness. Items of $31, $24.50, $33, $53 must involve an even heavier burden on the families with from $600 to $700 that report them. In many cases where these expenditures on health-account are high, there is evident curtailment of expenditure in other directions. An abnormally low expenditure for the man's clothing appears in one schedule, wherein it is stated also that the man was laid up in the hospital for several weeks. In other cases where doctor's bills are large, expenditures for amusement and recreation and for miscellaneous purposes disappear.

To judge from all these data, it seems that the liability to disease does not vary greatly in the different income groups represented in our schedules, nor in different nationalities, but that the resources available for combating disease are much more limited among families with only $700 or $800 to live on. These families are accordingly thrown upon dispensaries and other free medical assistance, or else their members are left to succumb to the attacks of disease without adequate medical aid. If the family undertakes to make better provision at its own charges, the result is a lowering of the standard of living

at some other point. An income of less than $800 does not permit expenditures sufficient to care properly for the health of the family. (Pages 184 and 185.)

The Living Wage of Women Workers. A Study of Incomes and Expenditures of 450 Women Workers in the City of Boston. LOUISE M. BOSWORTH, *Fellow, Women's Educational and Industrial Union. Longmans, Green & Co., New York, 1911.*

The problem of getting a sufficient supply of wholesome food at a price within her means is probably the most serious one that the woman on a small wage has to face. With nourishing, plentiful meals, other problems become less serious, and are met with comparative ease, but in an ill-nourished condition courage and initiative wane, perplexities multiply, and the woman loses heart for the struggle. (Page 40.)

It is true that a smaller amount spent for food may mean very much more adequate nourishment when the cooking is done at home. It is a question, however, whether the expenditure of strength which this exacts from a tired woman does not offset the advantage of more wholesome food. The landlady of one girl remarked, "Miss I—— often doesn't have any dinners. She gets home at 7 P. M. from the factory, and is too tired either to go out to dinner and climb the five long flights to her room or to cook anything for herself." And this is not an infrequent case. "I know that I ought to get my meals regularly," said another girl, "but when I get home I am so tired that I don't feel like fussing to go out and buy stuff and bring it home and cook it." (Page 44.)

The standard of living in respect to food varies considerably for different occupations. . . . The factory worker pays the smallest amount for food; her entire expenditure is only $2.84 per week, or 38.64 per cent. of her income. (Page 45.)

Expenditure for health varies considerably for different occupations and wage groups, both in respect to amount of outlay and its proportion to income. It is not

possible, however, to draw definite conclusions from the figures as to the effect on health of workers in the various occupations and wage groups. Workers receiving low wages are often obliged to do without needed medical treatment, although by reason of small earnings and consequent hardship they may need it the more. (Page 76.)

. . . The percentage of income expended for health by the factory woman is also the highest, 6.27 per cent. The percentages for other classes are: Saleswomen, 5.33; professional, 3.79; waitress, 3.14; kitchen, 2.52. It may be concluded, therefore, that factory women as a class have a comparatively heavy burden in caring for their health. **(Page 76.)**

United States Congress. Senate Document No. 645. Report on Condition of Woman and Child Wage Earners in the United States. Vol. V. Wage-Earning Women in Stores and Factories. 61st Congress, 2nd Session, 1911.

In all too many instances the reader will find, between the expenditures for the current and incidental necessaries and the average earnings, little or no margin for clothes. Usually this has but one meaning: The girls have given the cost of such food as they get for themselves when other demands are not more urgent. When clothes must be purchased, when emergencies arise, something must be cut from the expenditures for the current necessaries in order to meet the demand for periodic necessaries. It is wholly intelligible and quite pardonable that the majority of these girls, whose earnings were inadequate, should have concealed the methods of making up the deficit. It is but the impulse of the self-respecting to "put the best foot forward". "You see I'm dieting," said a frail slip of a department store girl as she held out her tray upon which the cafeteria cashier, in the presence of the Bureau's agent, put a 2-cent check, covering the cost of the girl's lunch—a small dish of tapioca. She may have been dieting, but the evidences were pathetically against the need thereof, and there were some

things telling other tales to a thoughtful observer. The girl's shoes and waist and skirt were plainly getting weary of well doing, and to hold her position as saleswoman they must soon be replaced. Was she finding a way? She is given, not as an illustration of the majority, but as a type of many whose earnings are inadequate. . . .

"Oh, my; where would we get our clothes if we bought meat every day?" was the way in which one of the group of four housekeeping girls answered the query as to this detail of housekeeping expenses. A woman who had spent ten years keeping a lodging house for factory and department store girls, not as a philanthropy, but as a means of livelihood, said to the agent: "The girls' stories to the contrary notwithstanding, very few of those getting their own meals have adequate breakfasts. In some cases, of course, this is due to a desire to sleep late in the morning, but in most cases it is due to the necessity of making ends meet—when the wardrobe must be replenished, or when additional contributions to dependent relatives must be made, or doctor's bills or medicines make demands upon the meager earnings." (Pages 17-18.)

Taking up first for detailed study the women keeping house, represented, as we have seen, by 267, or 16.6 per cent., of the total of 1,607 for whom the information necessary was secured. (Page 54.)

For the woman keeping house the average cost of food, shelter, heat, light, and laundry is $3.18, and the average weekly earnings are $6.57. There is left $3.39 out of which she must pay for the clothes and living of herself and dependents, and for doctor bills and other inevitable expenses.

It would seem sufficiently obvious from these facts that there will be no margin for recreation or amusement for the woman with such responsibilities as the entire dependence of one or more persons entails, and 17.2 per cent. of the women keeping house have these responsibilities. More than that, her standard of living must be low, and her time, strength, and energy all exhausted in the effort to gain a livelihood. Besides working all day in

the factory or shop or store, she has to do the cooking, sewing, and housework also, with sometimes the inefficient help of a child too young, or a relative too old or incapacitated to work.

Sometimes, too, the work of the day is supplemented with work at home in order to earn enough to meet the necessary expenses. A number of women take in washing besides their regular work. (Page 57.)

But if they are thrown entirely on their own resources their problem is more difficult. As has been said, they must be good managers; but "good management" in many cases consists in going without food. Usually it is breakfast or luncheon. In a cafeteria in the city, where many women employed in stores get their luncheon, the cashier is often told "I have forgotten my purse; will you trust me until next Tuesday?" when the cashier knows that next Tuesday is just after the next pay day and the girl hasn't the money to pay for her food, and is too proud to tell the truth. The cashier stated to the agent that, with very few exceptions, the women are honorable and pay the money as soon as they get it. (Pages 185-186.)

The Standard of Living Among the Industrial People of America. Frank Hatch Streightoff. *Houghton Mifflin Co., Boston and New York, 1911.*

Since physical health is indispensable to the highest intellectual development, food is the foundation of mental as well as bodily efficiency. Properly to perform its physiological functions, diet must have two constituents —proteids for body building, and fats and carbohydrates to furnish energy, whether for immediate use or to be stored against future demands. (Page 86.)

Although there has been much discussion as to the amount of food really needed by human beings, the question has never been settled. Professor W. O. Atwater concluded that a man at moderately active work should have 115 grams, or .25 pound, of available protein, and enough fats and carbohydrates to produce in all 3,400 calories of heat. (Page 87.)

Clothing, Mrs. Richards calls "the corollary of food". While diet furnishes the material from which tissue is created and renewed, and the energy by means of which the body does its work, good clothes, like the packing about a steam pipe, act as an insulator—conserve the body heat. A man sufficiently dressed does not need so much food as one poorly clothed. Conversely, a well-nourished man does not need so many clothes as one underfed. (Page 103.)

A clear understanding of what the standard of living is permits some appreciation of its significance. In the first place, unless the standard includes adequate food, clothing and shelter, health will inevitably suffer and the race will degenerate physically. If, on the contrary, men obtain a proper satisfaction of these fundamental wants, not only will health be preserved and improved, but a foundation will be laid for intellectual progress. (Page 7.)

Report of the Massachusetts Commission on Minimum Wage Boards, 1912. House Document No. 1697.

The proposition that underlies this interference with the contractual relations of employer and employee is that, on the broad scale and in the long run, earnings as distinct from wages, cannot be less than the necessary cost of maintaining the worker alive and in health. No mechanical or labor-saving device used in industry can be worth less than the cost of its manufacture and maintenance. The normal human worker cannot earn less than a like cost. (Page 18.)

The proposed legislation is therefore recommended for the following reasons:

1—It would promote the general welfare of the State because it would tend to protect the women workers, and particularly the younger women workers, from the economic distress that leads to impaired health and inefficiency. (Pages 25-26.)

The unhealthfulness of the trade, however, has a vital connection with wages. The workers' earnings should

enable them to live well enough to preserve their health and strength at a normal point, or they should be sufficient to compensate for time lost because of illness due to the occupation, and to allow them to save against the day when they may well be broken down. (Page 144.)

Report of the Social Survey Committee of the Consumers' League of Oregon on the Wages, Hours and Conditions of Work and Cost and Standard of Living of Women Wage-Earners in Oregon, with Special Reference to Portland. CAROLINE J. GLEASON. *Portland, Oregon, 1913.*

The investigation has proved beyond a doubt that a large majority of self-supporting women in the state are earning less than it costs them to live decently; that many are receiving subsidiary help from their homes, which thus contribute to the profits of their employers; that those who do not receive assistance from relatives are breaking down in health from lack of proper nourishing food and comfortable lodging quarters, or are supplementing their wages by money received from immoral living. (Page 24.)

Department store girls adrift rise nearer to a decent standard when they spend $118 per year, or nearly $10 per month for room rent. Board for them amounts on the average to $196.26, or $16.35 per month, which is 54 cents per day. This is divided between toast and coffee for breakfast, 10c; for lunch, meat, bread and tea, 15c; or salad, dessert and tea, 15c; and for dinner whatever they can manage to order for 25 cents. Picture these menus as a source of energy for ten hours' work in a factory or store, and two or three more hours' work "at home" in the evening. The average spent for one month on both room and board is $26.18, a sum which, it has been shown, will cover the cost of room and board when bargained for at one time. (Page 61.)

The investigation showed the fact that many young women avoid a doctor's care because of the expense, and sometimes because they know that it will mean an order

to stop work—an order which to them seems impossible to fulfill. Medicines and eye-glasses are items which must not be forgotten here. Both are a decided expense, but the latter often means a repeated one on account of breakage. (Page 65.)

Poverty. A Study of Town Life. B. S. Rowntree, (*Director in the Firm of Rowntree and Co., Ltd., Manufacturers of Cocoa*). *Macmillan, London, 1901.*

Particulars were obtained regarding 11,560 families. (Page 26.)

Unless an unreasonably stringent diet be adopted, the means to purchase a sufficient supply of nourishing food are not possessed by the laborers and their families. The serious physiological effects of inadequate food have already been pointed out, and they are powerfully attested by the health statistics. But it may be doubted if the English public has yet recognized their economic importance. The relation of food to industrial efficiency is so obvious and so direct as to be a commonplace amongst students of political economy. "What an employer will get out of his workman," as a well-known economist has reminded us, "will depend very much on what he first gets into him." (Page 260.)

If his diet be liberal, his work may be mighty. If he be underfed, he must underwork. . . .

. . . If adequate nourishment be necessary to efficiency, the highest commercial success will be impossible so long as large numbers even of the most sober and industrious of the laboring classes receive but three-fourths of the necessary amount of food. (Page 261.)

Women's Work and Wages. A Phase of Life in an Industrial City. Edward Cadbury, M. Cecile Matheson, and George Shann. *T. Fisher Unwin, London, 1906.*

How is this anomaly of taking a woman's life and giving her less than the living wage of her standard

affecting the woman of England? We have mentioned the results in the premature narrowing or ageing of many of our educated workers; we could mention more if we could get statistics of nervous collapse and illness or search the lists of homes and institutions. Fortunately, some women who have not the ability or good fortune to reach the top of their profession escape the results of under-payment through their private circumstances. Many of all classes accept the downward pressure as inevitable, and quietly shrink out of sight and descend step by step. Take the lower classes, and we come to the great crowd of those who just live, are content with their lives, and remain where they are in an easy acquiescence, marry, and work on in one way or another until death cuts them off, or old age and infirmity make them turn to indoor or outdoor relief. And the great crowd of those lower still, who just do not make enough on which to live, who are always underfed and under-clothed; what of them? (Page 189.)

The Prevention of Destitution. SIDNEY AND BEATRICE WEBB. *Longmans, Green & Co., London, 1911.*

. . . Any doctor who stops to think can tell us that the actual loss of wages through ill-health in the wage-earning class must run into many millions sterling every year—certainly a hundred times as much as the loss by strikes and lockouts. What is more serious is that it is just among the poorest section of the wage earners that this loss of earnings through ill-health is greatest, not only because the casual laborers and the sweated home-workers have most ill-health, but also because, in the absence of those more humane arrangements which are enjoyed by clerks, by domestic servants and sometimes by workmen employed at weekly or monthly rates, it is just among the poorest section that a day's absence from work most invariably means the loss of a day's wages. To the ten or twelve millions of the population existing in the United Kingdom on earnings of less than a pound a week for the whole family

the constant drain of sickness is a perpetual menace to their economic independence. Let the sickness rise above the normal and down goes the family into the morass of destitution. (Pages 17-18.)

A large amount of the sickness in working class households is due simply to the lack of food, to the overcrowding of the dwelling, to the inability to take either adequate rest or precautions against exposure, all this arising directly from want of money. An enormous proportion of the child destitution that we have described comes, not from any carelessness or cruelty of the parents, but from sheer insufficiency of income to permit those who are neither saints or geniuses to obtain good nurture for their children. It is quite true that, so far as concerns all the sickness and child destitution arising solely from the parents' insufficiency of earnings, by far the best method of prevention is to insure to every willing worker regular employment at an adequate wage. (Pages 86-87.)

(2) Injuries to the Next Generation.

Health is the foundation of the state. It is a matter of common knowledge, universally accepted, that when the health of women has been injured in industrial work, not only is the working efficiency of the community impaired, but the deterioration is handed down to succeeding generations. The health of the race is conditioned upon preserving the health of women, the future mothers of the Republic.

Report of the Chief Factory Inspector of Illinois, 1915.

The bill providing for the means to establish minimum wage rates for women was considered in joint session of the Committee on Industrial Affairs of the House and Committee on Labor, Mines and Mining of the Senate. The joint committees recommended the separate committees' favorable action on the bill. Pointing out the serious consequences of the condition that requires women to work for less than a living wage, John H. Walker, chairman of the Joint Labor Legislative Board, sent the following letter to the Legislature:

It means not only the breaking down physically of the future mothers of our race, and an influence to the deterioration of their children, it means starvation and undernourishment on the part of those who are required to earn their own living and that the weaker will be forced to depend on charity in order to get whatever additional is necessary to keep them, which must necessarily develop a spirit of subserviency and dependency and the undermining of their self-respect, continually resulting in the degeneration of the moral fiber not only of themselves but of the future generation. (Page 18.)

Report of the Massachusetts State Board of Health, 1873. Edward Jarvis, M. D.

All additions to the physical, moral, or intellectual power of individuals in any individual are, to that ex-

tent, additions to the energy and the productive force—the effectiveness of the State; and on the contrary, all deductions from these forces, whether of mind or body—every sickness, and injury or disability, every impairment of energy—take so much from the mental force, the safe administration of the body politic. . . .

The State thus has an interest not only in the prosperity, but also in the health and strength and effective power of each one of its members. (Page 336.)

Report of the New York Bureau of Labor Statistics, 1884. Hygiene of Occupations. Dr. Roger S. Tracy, *Sanitary Inspector of the Board of Health, New York.*

As the physical condition of women has such an important bearing on the welfare of the race, and on the health of future generations, it becomes fairly a question of government control. (Page 199.)

The Employment of Girls in Textile Industries of Pennsylvania. Peter Roberts. *American Academy of Political and Social Science. Annals, Vol. XXIII. May, 1904.*

Insufficient wages mean insufficient food, liability to diseases, industrial inefficiency, scanty clothing, cramped dwellings and a vitiated atmosphere. These women and young girls, who, under financial pressure, yield the strength so much needed in the building up of their frames, pay the penalty in headaches, toothaches, dyspepsia and sores, dragging pains and chronic anaemia. Do the medical profession find among these young mill hands that state of health which is normal among the young daughters of the professional classes? Communities where textile industries flourish are the scenes of degeneracy, and upon each generation rests a curse. The individuals who are exploited depart farther and farther from the higher type of womanhood which American civilization has held before the world. (Page 443.)

Physical and Medical Aspects of Labor and Industry. FREDERICK L. HOFFMANN, *Statistician Prudential Insurance Co. of America, Newark, N. J. American Academy of Political and Social Science. Annals, Vol. XXVII. May, 1906.*

. . . If the duration of life has, on the average, considerable economic value, then it manifestly must be to the advantage of the state and the employers of labor that nothing within reason be left undone to raise to the highest possible standard the level of national physique and of health and industrial efficiency. . . . The interests of the nation, of wage earners as a class, and of society as a whole, transcend the narrow and selfish interests of the short-sighted employers of labor who, disregarding the teachings of medical and other sciences, manage industry and permit the existence of conditions contrary to a sound industrial economy and a rational humanitarianism. There can be no question of doubt but that at the present time the average life and industrial efficiency of a workingman in the United States is not what it should be, and it is manifestly the duty of the State, of employers of labor, of labor associations, and of workingmen themselves to take the facts of the problem into consideration and by intelligent co-operation raise to the maximum the standard of life and health in American industry. (Page 484.)

Legislative Control of Women's Work. S. P. BRECKINRIDGE. *Journal of Political Economy, February, 1906.*

The assumption of control over the conditions under which industrial women are employed is one of the most significant features of recent legislative policy. In many of the advanced industrial communities the State not only undertakes to prescribe a minimum of decency, safety, and healthfulness, below which its wage earners may not be asked to go, but takes cognizance in several ways of sex differences and sex relationships.

. . . In the third place, the State sometimes takes cognizance of the peculiarly close relationship which exists between the health of its women citizens and the physical vigor of future generations. . . . It has been declared a matter of public concern that no group of its women workers should be allowed to unfit themselves . . . for the burden of motherhood which each of them should be able to assume. (Page 107.)

The object of such control is the protection of the physical well-being of the community by setting a limit to the exploitation of the improvident, unworkmanlike, unorganized women who are yet the mothers, actual or prospective, of the coming generation. (Pages 108, 109.)

Biennial Report of the Wisconsin Bureau of Labor and Industrial Statistics. 1907-1908. Industrial Hygiene and the Police Power. HENRY BAIRD FAVILL, *M. D.*

In the industrial world, health is the foundation of productiveness and the bulwark of economy. That society and progress depend utterly upon these factors can hardly be questioned. It is hence only necessary to reach a conclusion as to the fundamental importance of health as related to the product of any individual or to have a comprehensive grasp of the elements of waste and dissipation in social affairs to at once put the question of public health as a thing apart to be dealt with as a social problem irrespective of its particular bearing upon any class of citizens. (Page 480.)

We must study the relation of health to labor. . . . It is agreed that labor legislation must have its foundation in clear economic advantage. It is perhaps not so well agreed, but the idea is rapidly growing, that of all the factors of an economic advantage, health is the most crucial. Upon this hypothesis, therefore, the conclusion may rest, that the logical primary step is the establishment of broad and effective study of health as related to laboring conditions. (Pages 485-486.)

Report of the Nebraska Bureau of Labor and Industrial Statistics. 1907-1908.

Scientists and thinkers have pointed out that health and vitality are the capital of society. It follows, then, that any lessening or weakening of the natural power of womanhood over the race will be distinctly injurious. To lower the standard of bodily strength will bring a disastrous reaction on society later. . . . Prevention of these things is the object of about all of the laws passed in recent years by progressive States and Nations. In too many instances the laws are crude and give too wide a latitude for transgressors. (Page 33.)

The Federal Children's Bureau. Henry B. Favill, M. D. *Chicago, Ill. National Child Labor Committee. Proceedings of the Fifth Annual Conference. Chicago, Ill., 1909.*

Absolute control of the health of the individual can never be the function of the State. Control of the conditions under which the lives of the people shall be lived and their energies expended is an inevitable necessity. The State will approach this problem from the standpoint of self-preservation. Defective health is the foundation of crime, pauperism, and degeneracy, as well as that widespread inefficiency due to obvious disease.

All sociologic forces have come to recognize this fact. The physical well-being of the people is the deepest interest of the State. (Pages 37-38.)

Report of the Washington Bureau of Labor Statistics and Factory Inspection, 1909-1910.

The fact that many women, under existing conditions, are working continually on the verge of physical and nervous exhaustion cannot be contradicted. Their power of endurance is strained to the utmost at all times, and the element of recreation scarcely enters into their lives, for the reason that the hours not spent at their work must be devoted to an effort to regain their energy for to-morrow's toil.

Yet it is to these same women wage-earners that the state must look in large measure for the mothers of its future citizens, and it would appear, therefore, that the state has a vital interest in this phase of the situation. As a nation and as a state, we are devoting a great deal of thought and endeavor to the subject of conservation of our natural resources, and it is fair to ask if it is not worth while to give some attention to the problem of conserving and protecting the physical strength of our wage-earning womanhood. (Pages 11-12.)

Welfare Legislation for Women and Minors. Rev. Edwin V. O'Hara. *Portland, Oregon, 1912.*

The welfare of society imperatively demands the protection of women and minors from all grave and widespread influences which would undermine the health or morals of the former or retard or stunt the natural development of the latter. The physical health and moral character of womanhood are the *sine qua non* of social progress. The health and morals of the race will not rise above the standards maintained by the mothers of the race. We live in an age which is demanding better conditions for the rearing of children,—an age which is seriously discussing radical and revolutionary methods to provide that children shall be "well-born." The primary condition of healthy offspring is a healthy motherhood. . . . No commonwealth can hope to be perpetuated, not to say make progress, which fails to ward off from its women and children pernicious conditions of living and labor. (Page 3.)

Report of the Social Survey Committee of the Consumers' League of Oregon on the Wages, Hours and Conditions of Work and Cost and Standard of Living of Women Wage-Earners in Oregon, With Special Reference to Portland. Caroline J. Gleason. *Portland, Oregon, 1913.*

The present conditions of labor for women in many industries are shown by this report to be gravely detri-

mental to their health; and since most women wage earners are potential mothers, the future health of the race is menaced. (Page 6.)

Present efficiency depends most surely upon a supply of food sufficient to keep up the worker's strength. Future efficiency as a mother depends upon keeping her health sound now; efficiency not only to bear children, but to raise them. We cannot expect a race of healthy nor of well governed children if the mothers-to-be are permitted to grow anaemic in their young womanhood. (Page 88.)

British Sessional Papers. Vol. XXI. 1833. Second Report of the . . . Commissioners for inquiring into the employment of Children in Factories. Reports by the Medical Commissioners.

Sir David Barry's report (Scotland):

Having on one occasion given a certificate to the effect that I believed that persons occupied in factories were not more subject to disease than those engaged in other occupations, and having, on further experience had reason to doubt the correctness of the views I then held, . . . On a similar certificate being presented to me last year, I declined to sign it. . . . I believe it will be found to be the case that nearly all the wives of weavers and many of those of labourers, formerly worked in factories; and even giving the circumstances of low wages, and consequent domestic privations, their due weight, I think we have reason to fear that the descendants of those people are physically deteriorating. . . . A. C. Kilgour, M. D. (Page 30.)

Six Centuries of Work and Wages. The History of English Labor. James E. Thorold Rogers, M. P. *Putnam, New York, 1884.*

A civilised people desires that they who produce its wealth should be intelligent, honest, thrifty, farseeing, prudent, and, to the fullest extent possible, cultivated and

well-mannered. It is impossible that these advantages should be secured, and the economies which they invariably effect secured with them, unless the workman is adequately remunerated for his labour, and is encouraged to hope. "The liberal reward of labour," says Adam Smith, "as it is the necessary effect, so it is the natural symptom of increasing national wealth. The scanty maintenance of the labouring poor, on the other hand, is the natural symptom that things are at a stand, and their starving condition that they are going fast backward." The first sentence is indisputably true; but the phenomena referred to in the second may be artificially induced, and were induced for a generation or two after Smith wrote. Employers will get labour cheap if they can; it is the business of the State to prevent them getting it so cheaply, that they imperil the future of the race by the process. (Pages 527-528.)

British Sessional Papers. Vol. XXXVII. 1893. Royal Commission on Labour: Report on the Employment of Women.

Again if we look at the children of women who have worked under the conditions mentioned, the evil effects are, if anything, more pronounced. Mothers with children from 1 to 10 or 12 years of age frequently come to us wondering why their children are so delicate. Neither of the parents nor any of their forbears are or were delicate and they cannot see why their children should be. But on inquiry it is found that the mothers worked either in shops, mills or warehouses under conditions not suitable to sound health, and debility, slight and unnoticed, takes hold of the constitution and it is only after some years of married life that the mischief shows itself in mother and children, and as an unhealthy tree cannot bring forth healthy fruit, no more can unhealthy mothers bring forth healthy children. . . . Lung troubles are frequently seen. The main complaints that have come before me are anæmia, muscular weakness, nervous prostration, and uterine, stomach, and intestinal troubles.

These complaints, which are very common and most damaging to the system, are interdependent and traceable to the few causes before mentioned. (Page 318.)

The Case for the Factory Acts. Edited by Mrs. Sidney Webb. *Richards, London, 1901.*

It may be enough for the individual employer if his work-people remain alive during the period for which he hires them. But for the continued efficiency of the nation's industry, it is indispensable that its citizens should not merely continue to exist for a few months or years, but should be well brought up as children, and maintained for their full normal life unimpaired in health, strength, and character. The human beings of a community form as truly a portion of its working capital as its land, its machinery, or its cattle. If the employers in a particular trade are able to take such advantage of the necessities of their workpeople as to hire them for wages actually insufficient to provide enough food, clothing, and shelter to maintain them and their children in health; if they are able to work them for hours so long as to deprive them of adequate rest and recreation; or if they subject them to conditions so dangerous or insanitary as positively to shorten their lives, that trade is clearly using up and destroying a part of the nation's working capital. (Pages 20-21.)

. . . Industries yielding only a bare minimum of momentary subsistence are therefore not really self-supporting. In deteriorating the physique, intelligence, and character of their operatives, they are drawing on the capital stock of the nation. And even if the using up is not actually so rapid as to prevent the "sweated" workers from producing a new generation to replace them, the trade is none the less parasitic. In persistently deteriorating the stock it employs, it is subtly draining away the vital energy of the community. It is taking from these workers, week by week, more than its wages can restore to them. A whole community might conceivably thus become parasitic on itself, or, rather, upon its future. (Page 22.)

British Sessional Papers. Vol. XXXII. 1904. Report of the Inter-Departmental Committee on Physical Deterioration. Vol. I.

251. A very general agreement was expressed that the factory employment of mothers had a bad effect on the offspring, both direct and indirect.

253. The three ladies quoted by Miss Anderson (Principal Lady Inspector of Factories) were unanimous as to the stress and strain involved in the "employment of women from girlhood, all through married life, and through child-bearing." (Page 47.)

Ibid. Memorandum on Employment of Mothers in Factories and Workshops. Miss A. M. ANDERSON, *H. M. Principal Lady Inspector of Factories.*

30. As to the general effect of these conditions on the health of the women and their children, Miss Squire for Lancashire, and Miss Paterson for Dundee report similarly:

"That it is the employment of women from childhood, all through married life, and through child-bearing, that impresses itself upon the mind . . . that it is useless for medical men and others not familiar with the conditions of mill life there to pronounce any opinion on the effect of factory work upon the mother and infant; they have no conception of the stress and strain and of the general conditions of life and work in these mills. (Vol. I, page 124.)

Labour Laws for Women in Australia and New Zealand. Women's Industrial Council. London, 1906.

The workers in these miserable trades deteriorate in health and efficiency, and their children growing up ill-nourished and unhealthy, continue the supply of cheap, inefficient, unorganized labor. Labor of this class, though cheap to the employer, is by no means cheap to the com-

munity. It continually helps to recruit the various classes of weaklings and degenerates; paupers, invalids, criminals, the mentally and morally deficient of various types. Employers who pay wages or maintain conditions insufficient for the health and efficiency of the employed are in reality accumulating a burden of sickness, poverty and incapacity, which in the end has to be borne by the taxpayer, and that is by no means the full extent of the evil, for the population itself in so far as it is engaged in or influenced by these industries tends to become deteriorated from one generation to another, and thus the parasitic trades are feeding on the very springs of national life and character. (Page 1.)

Sweating. Edward Cadbury *and* George Shann. *Headley Bros., London, 1907.*

Even if it were true that the community would have to pay for reform, it would be well worth the cost, for there are two sides to the account, and a slight examination shows that the community is already paying a price for the present condition of things, which is no less heavy because hidden and little realized by the majority of people.

One item in this cost is the diminished health and vitality of the sweated workers. Even if these men and women expend their miserably low wages with the utmost wisdom and efficiency, it is impossible for them to obtain the necessaries for health and comfort. The consequent low vitality predisposes them to attacks of illness in various forms. And this weakness is passed on to the children, because even if the children are born healthy, insanitary surroundings and poor and insufficient food tell their tale, and so a new generation of inefficients is reared. (Page 45.)

Stinting of necessaries for efficiency means a direct economic loss to the nation, because it is a degradation of the labor power of the community. (Page 50.)

It is amongst this class of people, also, that the highest rate of infant mortality is found. One woman known to

the writers, a match-box maker, has had seventeen children, out of which three only are alive. Nor is this an isolated case. The recent report of the Inter-Departmental Committee on Physical Deterioration, amongst other causes of physical degeneracy, emphasizes overcrowding, pollution of atmosphere, and bad conditions of employment. Now, although there are other reasons for poverty besides inadequate wages, it still remains that this is one of the causes that lead to overcrowding with all its accompanying insanitary surroundings. (Pages 55-56.)

When the degradation of labor reaches a certain point, the people affected tend to accept their lot and adapt themselves to the low standard of life. When the laborer cannot maintain himself at a reasonable standard of decency and comfort, the decline in industrial efficiency is rapid. (Page 64.)

The Working of the Trade Boards Act in Great Britain and Ireland. CONSTANCE SMITH. *The Journal of Political Economy, July, 1914.*

In the twenty years that elapsed between 1889 and 1909 the courses of the world combined to make plain the truth that economically we are all members one of another. Expert examination into the sources of national prosperity and national decline showed that even one unsound spot in the national organism is and must be the cause of weakness and corruption in the whole. Willingly or unwillingly, the wealth acquired by the underpayment of labour must needs pay toll toward the maintenance of those of whose incapacity, sickness, destitution, or crime such underpayment is the fruitful source. Thinking people began to realize that, however splendid the industrial superstructure, if its foundations be set in a mass of bad work and half-starved workers, if the building be reared above an abyss of inefficiency and misery into which those belonging to the higher working grades are in continual danger of slipping, carrying with them the children who are necessarily the hope of the next generation, the whole building must be

in peril. It was perceived that in the case of a large class of the community a lowering of both physique and morale was going on which must presently amount to a national danger. (Pages 607-608.)

Die Sociale Reform als Gebot des Wirthschaftlichen Fortschrittes. [*Social Reform as a Condition of Economic Progress.*] DR. HEINRICH HERKNER. *Duncker, Leipzig, 1891.*

The results of excessive work, insufficient wages and deficient nutrition appear with a distinctness that cannot be ignored in the reports of the recruiting statistics. A military examining physician of the empire (German) reported from a factory region:

"In the factory villages, where every one works from youth up in the factories, almost all recruits were unfit for service, and I believe that, if this goes on, it will be useless to send recruiting commissions to these communities". (Page 4.) (Quoted from Archiv. für öffentliche Gesundheitspflege in Elsass-Lothringen VII, 107.)

Verhandlungen des Deutschen Reichstags. 103 Sitzung. April 18, 1891. [*Proceedings of the German Reichstag. 103rd Session. April 18th, 1891.*]

Representative Bebel:

"The vast change in social and family life which is portended by the increasing pressure of women into industry has been strongly emphasized . . . there can be no doubt that the physique of the woman is not adapted to the same degree of muscular exertion and development as the man's. That the sound and healthy development of the race depends in large measure upon the strength and health of the mother is acknowledged, and no one can deny that the health of women today is seriously endangered by factory work. The one fact alone, that the military recruiting offices all over Germany have found that from decade to decade the number of physically fit recruits in factory and manufacturing districts is diminishing to an appalling extent, so that

it is necessary to draw more and more heavily upon the country regions—shows clear and plainly what kind of process is at work upon the development of the national physique, and the more extensive our industry becomes, and the more it invades the country regions, the more and more certainly will it exhaust those sources of strength which are now the only sources to look to for military defence.

"For these reasons it is absolutely essential that the laws should promptly provide ample means for overcoming this tendency to deterioration of race in every way". (Page 2420.)

Handbuch der Hygiene. Bd. 8[1]. [*Handbook of Hygiene. Vol. 8*[1].] *Edited by* Dr. Theodore Weyl. *Hygienische Fürsorge für Arbeiterinnen und deren Kinder.* [*Hygienic Care of Working Women and their children.*] Dr. Agnes Bluhm. *Jena, 1894.*

Two leading reasons exist for the newly developing codes of protective laws relating to woman in industry. She requires special care because:

1. She is physically not as strong as man.
2. She is the bearer of the future race whose health and vigor will be markedly influenced by hers, and the State must therefore feel the keenest interest in securing a vigorous and efficient posterity. (Page 83.)

Schriften der Gesellschaft für Soziale Reform, Heft 7-8. [*Publications of the Social Reform Society. Nos. 7 and 8.*] *Die Herabsetzung der Arbeitszeit für Frauen and die Erhohung des Schutzalters für jugendliche Arbeiter in Fabriken.* [*The Reduction of Women's Working Hours and the Raising of the Legal Working Age for Young Factory Employees.*] Dr. August Pieper *and* Hélène Simon. *Fischer, Jena, 1903.*

The protection of health takes precedence over everything else. The health of women is more quickly under-

mined in wage-earning occupations than that of men, partly because they are less strong and resistant and partly because they are burdened with domestic as well as industrial labor—more especially when, as married women, they have to care for a family. (Page 4.)

Whether the working woman as such is less resistant to injurious conditions than the working man is immaterial. What is important to remember is that her sex doubles the claims made upon her, and it is this that undermines her vital resistance. To the physiological burdens and the overwork due to a combination of housework and industrial toil, imperfect nutrition, and deficient recreation are often to be added—she has, in short, distinctly, an average standard of living that is inferior to that of men. (Page 91.)

La Protection légale des Travailleurs, est-elle Nécessaire? [*Is Legal Protection for Working People Necessary?*] M. Raoul Jay, *Professor of Law, University of Paris. Revue d'Économie Politique, T. XVI. February, 1902.*

The strength of the nation is the strength of the individuals that compose it. No one contests the terrible consequences that a nation must expect that subjects its children to labor which checks their physical and mental development. . . . But to safeguard the nation's interest it does not suffice merely to regulate child labor. "To protect the child and not to protect the mother is an absurdity." (Pages 148-149.)

B. BAD EFFECT ON MORALS.

Authorities agree in the opinion that while the underpayment of women and the consequent struggle to live may not be the primary cause for entering upon an immoral life, low wages are inextricably bound up with low morals. When wages are too low to supply nourishment and other human needs, temptation is more readily yielded to. Moreover by lowering all the standards of family life, through overcrowding and the like, low wages contribute indirectly to the deterioration of morals and predispose the underpaid workers to seek recreation by questionable means.

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. I. Appendix III. Memorandum on the Relationship between Low Wages and the Vice Problem.

Statement of Martha P. Falconer, Superintendent, Girls' Department of the Glen Mills Schools, Sleighton Farms, Darling, Pa.

I believe that the low wage is a factor in the question of prostitution. The girl who is working for $2.50 or $4.50 per week and must give most of this to her parents to help keep the family together, is naturally going to find other ways of earning money for her clothing and recreation. Better wages alone cannot help unless we can enforce compulsory educational laws and rouse the community to providing recreation. (Page 393.)

If we are going to try to establish a minimum wage, let us at the same time insist upon industrial training in our rural schools and the enforcement of compulsory educational law. (Page 393.)

When these young girls from the mining centers and rural communities run away from home and come to the cities, they cannot earn enough to support themselves in a respectable way. We must keep them in school longer and give them better training while there. These

two things should be developed with vocational guidance and the establishment of minimum wage. The girl who is bright and trainable should get a better education; the mentally deficient must have custodial care. Now, we are treating them all alike. Outside of our large cities, after irregular attendance in schools of short terms, we are allowing them to drift in and out of mills and factories, incompetent, irresponsible, becoming a menace to the community later.

The low wage is a factor in the evil of prostitution. Let us try to keep the girl from rural communities and small towns away from the large cities and give her training first so she may have greater earning capacity. (Page 394.)

Statement of Maude E. Miner, Secretary, New York Probation and Protective Association.

No one condition is ever solely responsible for bringing a girl into a life of prostitution. Different forces which operate with varying pressure upon the girl, gradually break down the defenses and bring the individual to the point where she seems powerless to resist. Economic conditions constitute one of these factors. (Page 409.)

Great numbers of girls begin work at the age of 14, without any understanding of the moral dangers which await them; few have any training for work or skill in doing work; they take the first opening that is offered, without regard to their particular fitness for it; they are ignorant and inefficient as well as untrained, and do not make rapid progress in mastering the work; they become so fatigued with the endless mechanical operations and the incessant, monotonous work that will-power is undermined; the small wage they receive is frequently insufficient for the actual necessities of life so that someone must make up the deficit; they have little margin for recreation or for savings. When the slack season comes or there is a depression in business, they are thrown out of work without any provision for the future, and face the necessity of walking up and down the streets and answer-

ing innumerable advertisements in quest of other employment. Is it a wonder that some of these girls, pressed through hunger and want, fatigued and overstrained, fearing to face an irate father or mother, who demands that they work if they continue to live at home, follow the path of least resistance, accept the offers of men who make them flattering proposals, and soon find themselves in a life of prostitution?

In so far as the low wage affords less than is requisite for the necessities of life, and no margin of saving for the time of unemployment, in so far as it gives no chance for wholesome recreation and some of the little luxuries which the girlish heart craves, it is a force that tends to bring the girl who lacks the defenses of moral stamina and high ideals, and who has already taken the first steps in a life of immorality, into the abyss of prostitution. Although not one of the most important factors, the low wage is an element in causing girls to enter and remain in professional prostitution. (Pages 409-410.)

Statement of James Bronson Reynolds, Counsel, American Social Hygiene Association.

Though I have found no direct relation between low wages and vice, I have found an indirect relation between general poverty and vice. The poverty of the family of which the girl wage earners are members often subjects them to the enticements and dangers of vice. This poverty compels the daughters of the family to go out to work at an early age and to find entertainment in dance halls, public resorts and on the street. If they be weak of mind, weak of will or of reckless disposition the danger of their downfall is very great. (Page 412.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. V. Public Hearings.

Dr. Walter E. Weyl:

. . . I think the effect of low wages on vice has perhaps in some quarters been exaggerated. I do not be-

lieve that has a very direct relation. I think there is no doubt that a number of women are driven into prostitution, not so much by the direct effect of poverty as by the indirect effect. I do not think the question comes up to the girl, "Shall I sell myself in order to earn more than my six dollars wage," but I do think this, that the absence of amusement, the poorness and barrenness and ugliness of life, the worry and all that sort of thing, combined with unemployment, does tend powerfully in that direction. (Page 2762.)

Women and the Trades. Elizabeth Beardsley Butler. *The Pittsburgh Survey. Russell Sage Foundation Publication. New York, 1909.*

The pressure of low wages combined with the opportunities of a department store result in a social problem that cannot be ignored. Some employers are generally reputed among salesgirls to assume that their women employees secure financial backing from outside relationships, and knowingly pay wages that are supplementary rather than wages large enough to cover the cost of a girl's support. Questions asked of girls seeking employment cannot be otherwise interpreted. In other cases, probably in the majority, the rate of wages is fixed not by any reckoning on the part of the employer with unsocial conduct, but by the tradition of the occupation. It is assumed that shop girls are only partly self-supporting and need only work for pin-money. (Page 306.)

Yet the fact remains that, for the vast bulk of salesgirls, the wages paid are not sufficient for self-support; and where girls do not have families to fall back on, some go under-nourished, some sell themselves. And the store-employment which offers them this two-horned dilemma is replete with opportunities which in gradual, easy, attractive ways beckon to the second choice; a situation which a few employers not only seem to tolerate, but to encourage. (Page 307.)

Clearly, however, the tradition that a girl's father and brothers always help toward her support has be-

come, in the Pittsburgh district at least, in many cases illusory.

That a girl is one of a family group is quite as likely to indicate that she is chief breadwinner, as that her family is her chief bulwark against the world. (Pages 347-8.)

Few will hesitate to condemn the degradation that attends the woman who chooses unsocial means of self-support. Yet one form of subsidizing a wage-worker leads to another form of subsidizing, and so long as custom or fact renders the payment of a full living wage non-essential, economic needs impel many a girl toward a personally degrading life. (Pages 348-9.)

The Social Evil in Chicago. A Study of Existing Conditions With Recommendations by the Vice Commission of Chicago. Gunthorp-Warren Printing Company, Chicago, 1911.

The Economic Side of the Question. The life of an unprotected girl who tries to make a living in a great city is full of torturing temptations. First, she faces the problem of living on an inadequate wage: Six dollars a week is the average in mercantile establishments. . . .

The girl who has no home soon learns of "city poverty" all the more cruel to her because of the artificial contrasts. She quickly learns of the possibilities about her, of the joys of comfort, good food, entertainment, attractive clothes. Poverty becomes a menace and a snare. One who has not beheld the struggle or come in personal contact with the tempted soul of the underpaid girl can never realize what the poverty of the city means to her. One who has never seen her bravely fighting against such fearful odds will never understand. A day's sickness or a week out of work are tragedies in her life. They mean trips to the pawn broker's, meagre dinners, a weakened will, often a plunge into the abyss from which she so often never escapes.

Hundreds, if not thousands, of girls from country towns, and those born in the city but who have been thrown on their own resources, are compelled to live in

cheap boarding or rooming houses on the average wage of six dollars. How do they exist on this sum? It is impossible to figure it out on a mathematical basis. If the wage were eight dollars per week, and the girl paid two and a half dollars for her room, one dollar for laundry, and sixty cents for car fare, she would have less than fifty cents left at the end of the week. That is, provided she ate ten-cent breakfasts, fifteen cent luncheons and twenty-five cent dinners. But there is no doubt that many girls do live on even six dollars and do it honestly, but we can affirm that they do not have nourishing food, or comfortable shelter, or warm clothes, or any amusement, except perhaps free public dances, without outside help, either from charity in the shape of girls' clubs, or friends in the country home. How can she possibly exist, to say nothing of live?

Is it any wonder that a tempted girl who receives only six dollars per week working with her hands sells her body for twenty-five dollars per week when she learns there is a demand for it and men are willing to pay the price? On the one hand her employer demands honesty, faithfulness and a "clean and neat appearance," and for all this he contributes from his profits an average of six dollars for every week. . . . In the sad life of prostitution, on the other hand, we find that the employer demanding the surrender of her virtue pays her an average of twenty-five dollars per week. Which employer wins the half-starved child to his side in this unequal battle? It would be unjust, however, to cast any reflection upon those girls who are brave and pure, by intimating that because they earn so small a wage they must necessarily be in the same class with those other girls who, unable to survive longer the heroic battle against poverty and self-sacrifice, have succumbed and gone down.

. . . After an exhaustive study of the whole field the Commission feels that among the causes which influence girls and women to enter upon a life of semi-professional and professional prostitution are the following: First, lack of ethical teaching and religious instruction; second, the economic stress of industrial life on unskilled

workers, with the enfeebling influences on the will power; third, the large number of seasonal trades in which women are especially engaged. (Page 45.)

United States Congress. Senate Document No. 645. Report on Condition of Woman and Child Wage Earners in the United States. Vol. V. Wage-Earning Women in Stores and Factories. 61st Congress, 2nd Session, 1911.

The attitude of many department store employers in itself would indicate that the partially supported girl is the sole agent determining the wage level for herself as well as for her self-supporting sister. Some of the employers advertise for saleswomen, "preferably those living at home". Others have gone so far as to state to applicants that without other sources of income unless they live at home, girls cannot live honestly on the wages stores are accustomed to pay. (Page 22.)

The story of the superintendent of employees who says to the girl protesting against the small wage, "But haven't you a man friend to help support you?" is current in every city. Its very prevalence is the best proof that there is some reason for it. Department store officials quite generally and quite openly express a preference for girls living at home. A number of them said to the agents engaged in the investigation, with perfect frankness, that the wage offered did not permit the girl to live elsewhere. . . . (Page 30.)

How much the wage of the rank and file has to do with the moral plane and to what extent it is peculiar to the department store are exceedingly difficult questions to answer. In nearly all the cases which have come to notice during the investigation the first fall of the girl was either through her affection or her desire for a good time, while her continuance in the way of evil was beyond a reasonable doubt due to the large amount of money made available thereby.

The average wage, determining so largely the measure of living comforts within the reach of the girl, has a di-

rect bearing upon her moral welfare, particularly upon the moral welfare of the woman adrift. (Page 35.)

In private families the girl may or may not mingle in the social life of the family, but the chances are that she does, especially in the poorer homes. Here the close quarters often destroy all privacy, and the lodger or boarder becomes practically a member of the family. She uses all the rooms in common with the family, almost always sharing a room with some member of the family and, in some extreme cases, occupies a room with the landlady and her husband. If there are men lodgers in the house the entrance to their room is sometimes through the girl's room or vice versa. In one house visited the woman received the agent about 9 P. M. in the room of a man lodger, who had already gone to bed. This seemed to be the only available sitting room and disconcerted no one save the agent. While such conditions through custom and long usage lose the startling effect which they would have on one unused to them, they cannot help but blunt a girl's sense of proper relations with the other sex and foster standards which are not acceptable in this country. (Page 62.)

The boarding and lodging group is next in size to the private family group. Five hundred and forty-two, or 33.7 per cent., of all the women are living this way. (Page 62.)

Fifty-five per cent. of the boarding and lodging women had no house sitting room and no place other than their rooms in which to receive friends. It is a rare thing for a landlady to object to a girl entertaining her gentlemen friends in her bedroom, provided they do not stay too late and are quiet and orderly, and by that she means that they do not make such a noise as to disturb the whole house. Frequently, too, the girls visit the men lodgers of the house in their rooms, and the men return the calls. The only alternative to entertaining callers in their bedrooms is to meet them on the street. For these girls and women who live in boarding and lodging houses it has become so much a matter of course to receive men in their rooms that neither they nor their friends think anything

of it. It is the custom. If a woman has no other home than her room, she feels that in that room she must entertain her friends.

But even if the absence of a sitting room is not keenly felt, it is none the less an evil. Unfortunately the "gentlemen friends" are not always deserving of the name, the girls are often weak and easily led astray, and the free and easy intercourse which is nobody's business may end most disastrously. (Pages 66-67.)

Ibid. Vol. XV. Relation Between Occupation and Criminality of Women.

Do low wages, then, play no part at all in this matter of moral evil? The consensus of opinion was that as a direct and immediate cause of going wrong they were almost a negligible factor, but that indirectly their influence was marked and disastrous. In the whole inquiry only one case was found in which the workers dealing with the girl felt that she had been driven into wrong because she could not live upon the wages she could earn. Four other cases were found in which the fall was directly attributable to poverty, but in these cases the difficulty was due not to low wages, but to no wages at all.

It must be observed that this relates only to the initial wrong step, not to becoming a habitual wrongdoer after the first error has been made. It was generally agreed that while it is the rarest of things for a girl to enter upon an immoral life directly through want, yet when she has once gone wrong through thoughtlessness or affection or from any other cause, then low wages or irregular or insufficient wages are strongly effective in deciding her to adopt a life of promiscuous immorality, or in impelling her to drift into such a life without any definite decision.

When the question was shifted to the indirect effect of low wages and poverty the answer was very different. The girls were living at home in so many cases that the discussion necessarily dealt rather with the family income than with the girl's own immediate wages. Poverty, whether it be the result of a low family income, or

of insufficient wages for a girl living by herself, touches the question of immorality in many ways. It decides the girl's companionships, her amusements, her ability to gratify without danger her natural and reasonable tastes, her very capacity for resistance to temptation. Its physical effects open the way to moral dangers. It means overcrowding and bad sanitary conditions, and undernutrition or mal-nutrition, and insufficient or unsuitable clothing. A social worker with eight years' experience in one of the leading factory centers thus summarized the situation.

"Between the crowding and bad air, both at home and at their work, and the kind of food they eat, and the long hours and monotony of their employment, they are constantly in an abnormal state. They are feverish and uncomfortable; they want something, but they don't know what it is. They crave, with an intensity we can hardly realize, something to make them forget their discomfort, to divert their minds from the weariness of their lives. That is why they flock to these cheap amusement places, which are the only ones they can afford. There they find temptation on every hand, but they are in poor condition to resist it. The great wonder to me is that so few yield.

This estimate applies with local variations to every place visited. There was practical agreement that low wages do not drive girls wrong through want, but that indirectly they have considerable effect. (Pages 93-94.)

Report of Massachusetts Commission on Minimum Wage Boards, 1912. House Document No. 1697.

It is remarkable that more saleswomen do not turn to vice. It is impossible to say how many do. No estimate whatever can be made of the extent to which the workers are subsidized because of illicit relations with one or two men. Only a few of the women had the appearance of prostitutes. Women who were making a brave fight against tremendous odds were many times more often in evidence. (Page 90.)

The following stories are selected . . . from among a large number handed in by the investigators, as illus-

trating the urgent need of some working women for a living wage. . . .

Annie's mother died when she was a child and she was brought up by an older sister. Her father was a fireman and two brothers were also working, so they had a comfortable home. But her father was ill for a year and a half, and then died, all his savings consumed, just as Annie got started as a bundle girl at $2.50 a week. Soon after this both her brothers died, one by accident and the other of consumption, and later in the same year the sister died, too, and Annie was left alone, with $2.50 as her sole income. Friends were good to her and helped her as they could, but they too were poor, and Annie plainly could not live on what she could earn. She now earns $6 a week, but she works very irregularly. The forelady says: "Annie is so sweet and kindly that I always try to hide the fact that she is a continual absentee. I know nothing of her outside life. Yes, she has changed greatly in her appearance; she was such a pretty young thing and now she does look dissipated. But, poor girl, she has had a frightful time and girls can't live on their wages." Annie's wage card gives an average of $3.20 a week. She says she pays $4.84 a week for her room and board and 25 cents for light. When asked how she managed to pay more than she earned she began to cry bitterly and said: "But you know, no girl can live on $6 a week, let alone the $2.50 which was all I had when I first had to support myself. No girl can get by on that." (Pages 188 to 189.)

Report on The Wage-Earning Women of Kansas City. Board of Public Welfare, Bureau of Labor Statistics, Kansas City, 1913.

It would be unjust and incorrect to say that as a class those girls who are not receiving living wages are immoral. But it is clear that girls who receive insufficient wages to pay for the bare necessities of life, especially those living in boarding and lodging houses, are subjected to too great temptation, and that one should occasionally fall in consequence of this inability to secure not only the

necessities of life, but also nice clothes and amusements desired by every normal girl, is not a far-fetched theory.

An investigation by the Board of Public Welfare of 300 inmates of houses of ill fame in Kansas City showed that 154, or 51 per cent., received $6 a week or less when engaged in honorable pursuits, while only 10 per cent. received as much as $10 a week. Although 154 inmates in Kansas City's houses of ill fame received $6 a week or less prior to their downfall, the low wage received prior to their downfall cannot be taken as the sole cause. Poor home environment, unwholesome amusements, ignorance, etc., are all contributing factors to the vice problems and a girl's downfall may be due to a combination of these causes. However, the fact that there are a large number of girls in boarding and lodging houses who do not receive sufficient wages to cover their barest needs is evidence itself that there is an economic pressure that is likely, and no doubt does occasionally, influence the morality of many. Seventy of the 300 inmates of houses of ill fame in Kansas City stated the cause of their downfall was low wages. (Pages 80-81.)

Report of the Industrial Welfare Commission of the State of Washington on the Wages, Conditions of Work and Cost and Standards of Living of Women Wage-Earners in Washington. CAROLINE J. GLEASON. *Olympia, Washington, 1914.*

Effect of Low Wages on Morals of Women Workers.—Another phase of the wage question which must not be omitted is the effect of the application of the law on the morals of women workers. No well-informed person will urge that the morals of a self-supporting woman depend directly upon her wage. There are too many proofs to the contrary. This is true, however, that slow starvation will gradually break down a woman's power of resistance and her fall results not because at the particular moment she wants a square meal. It is more likely to be due to the fact that constant cravings of hunger have weakened her physical condition, her mental poise and her outlook on life. If the state of hunger

were not accompanied with chill of body and cheerless surroundings, her defeat might not be so complete. But this is an equally important fact, that once having entered upon a life of degradation and having enjoyed again the comfort of pleasant shelter and plenty of nourishing food, the inadequate wage she has left and the impossibility of receiving a higher one is the effectual bar which keeps her from returning to a moral life. (Page 90.)

Women's Work and Wages. A Phase of Life in an Industrial City. Edward Cadbury, M. Cecile Matheson *and* George Shann. *T. Fisher Unwin. London, 1906.*

To all who have gone in and out among them it must be a matter of continual marvel that so many of them are so good. There is a heroism rarely seen or recognized in the lives of these thousands who "keep respectable". For the rest, "There is one ghastly investigation still waiting on the economist". It is the aid to wages which is got from "the oldest trade in the world". That this is an economic element in the wage question is beyond all doubt. All of us know it. None of us has yet had the courage to measure it. Not till we do so will the world know the true cost of "cheap labor". (Pages 189-190.)

The Living Wage. Philip Snowden, M. P. *Hodder & Stoughton. London, 1913.*

Low wages are largely responsible for the material waste, for the physical loss and the industrial inefficiency described in this chapter; but the most serious of all the loss which is inflicted upon the community by low wages is that it destroys the intellects of the very poor and numbs their moral aspirations. Poverty is an opiate which produces a feeling of contentment with or resignation to conditions which ought to excite a righteous discontent. The heaviest price which is paid by the community for low wages is the loss of a rational ambition for better conditions. (Page 55.)

C. BAD EFFECT ON THE PUBLIC WELFARE.

(1) Injuries to General Standards of Living.

Investigation proves that the standard of living is fixed by the wages received. With insufficient wages, expenditures for living must be curtailed below the requirements of healthful existence. Overcrowding in housing with the consequent loss of all privacy, insufficient clothing, and the lack of all legitimate recreation, have been found to result from under-payment.

These privations involve not only individual suffering but a social loss. Where the individual's standards of living are too much depressed, the community's must inevitably decline.

No better gauge of the effects of inadequate wages upon standards of living exists than the rate of infant mortality in different communities. The investigations of the Federal Children's Bureau show that the infant mortality rate rises or falls almost *pari passu* with an increase or decrease in the family income.

United States Public Health Service. Bulletin No. 76. March, 1916. Health Insurance: Its Relation to the Public Health. B. S. Warren, *Surgeon, U. S. Public Health Service, and* Edgar Sydenstricker, *Public Health Statistician, U. S. Public Health Service.*

The growing realization of the fact that the health of the wage-working population depends in large measure upon economic conditions is leading to the conviction that there is need for more comprehensive measures for the relief and prevention of disease. The presence of a wage-working population in almost every community renders this problem a national as well as a local one. As the industrial population of the United States in-

creases, the need for an adequate solution of the problem becomes more pressing. (Page 5.)

The problem of the wageworkers' health is made more complex on account of economic factors. The "human scrap heap of industry" is not an imagined thing, but represents a very real and constant loss of industrial efficiency and waste of health and life that ought to be prevented. (Page 7.)

Among the more important economic factors which affect the health of the wage-working population may be mentioned the following:

The economic disadvantage at which a large proportion of wageworkers and their families are placed as the result of low wages and insufficient annual income. (Page 8.)

The findings of a committee of the American Iron and Steel Institute which visited a number of industrial towns are of especial significance in this connection.

These conditions are similar to those indicated by the mortality statistics of the Federal census for many localities where large numbers of low-paid wageworkers live. While the death rate for the entire registration area in 1913 was found to be 14.1 per 1,000, in certain communities where investigation has shown the prevalence of low wages and unfavorable sanitary conditions the rate was much higher. The higher rate in these communities was not attributable to occupational hazards, since it was above that of other communities where similar occupations prevailed. It is only necessary to note for example, that the death rate in 1913 for Fall River, Mass., was 17.2; for Johnstown, Pa., 16.9; for McKee's Rocks, Pa., 16.9; for Shenandoah, Pa., 18.9; and for Braddock, Pa., 23.2. As it is generally recognized that mortality returns in localities of this type are more or less incomplete, it is safe to say that the rates cited are lower than more thorough and complete vital statistics would show. (Page 26.)

Children's Bureau, United States Department of Labor, 1915. Infant Mortality. Results of a Field Study in Johnstown, Pa. Based on Births in One Calendar Year. EMMA DUKE.

"The method of the inquiry is in one respect unique, so far as we are aware. Instead of taking as its point of departure the death records of children who have not survived their first year, the birth records are first secured for all children born within a certain calendar year, and each child is then traced through the first 12 months of life, or as much of that period as he survives, in order to obtain information as to the conditions which surround all the children of the town born during the given year. (Page 7.)

"The Johnstown report shows a coincidence of underpaid fathers, overworked and ignorant mothers, and those hazards to the life of the offspring which individual parents can not avoid or control because they must be remedied by community action. All this points toward the imperative need of ascertaining a standard of life for the American family, a standard which must rest upon such betterment of conditions of work and pay as will permit parents to safeguard infants within the household. Toward the slow working out of the essentials of such a standard it is hoped that the bureau's continued studies into infant mortality may contribute." Letter of Transmissal—Julia C. Lathrop, Chief. (Pages 8-9.)

The term infant mortality, used technically, applies to deaths of babies under 1 year of age. An infant mortality rate is a statement of the number of deaths of such infants in a given year per 1,000 births in the same year. Some countries include still-births in making the computations, but this method is not generally followed in this country nor has it been followed in this report. (Page 11.)

When it had been decided by the Children's Bureau to make infant mortality the subject of its first field study and to include all babies born in a given calendar year, regardless of whether they lived or died during their first year, advice and co-operation were enlisted of

mothers, physicians, nurses, and others experienced in the care of children, and also of trained investigators and statisticians, in the preparation of a schedule which was submitted to them for criticism. (Page 12.)

Johnstown, Pa., was the first place selected. It is in a State where birth registration prevails and hence a record of practically all babies could be secured. (Page 12.)

Inasmuch as the study was confined to babies born in a single calendar year and work was begun in January, 1913, the latest year in which the babies could have been born and still have attained at least one full year of life was 1911.

Work was begun on January 15, 1913, with the transcription from the original records at Harrisburg of the names and other essential facts entered on the birth certificates of babies born in 1911, and, if the baby had died during its first year of life, items on the death certificate were also copied. (Page 13.)

The investigation was absolutely democratic; every mother of a baby born in 1911, rich or poor, native or foreign, was sought, and it is interesting to note refusals were met with in but two cases. (Page 13.)

There were 1,763 certificates copied at Harrisburg, 1,383 of the babies named in them were reached by the agents. In addition, 168 babies for whom there were no birth certificates, but who were located in the ways just noted, were included, making a total of 1,551 completed schedules secured.

Of the 380 not included in the investigation there were 149 who could not be located at all; 220 others had moved out of reach—that is, into another city or State; 6 of the mothers had died; 3 could not be found at home after several calls, and 2 refused to be interviewed. (Page 14.)

Economic Factors.

Earnings of Father.

A grouping of babies according to the income of the father shows the greatest incidence of infant deaths

where wages are lowest, and the smallest incidence where they are highest, indicating clearly the relation between low wages and ill health and infant deaths.

For all live babies born in wedlock the infant mortality rate is 130.7. It rises to 255.7 when the father earns less than $521 a year or less than $10 a week, and falls to 84 when he earns $1,200 or more or if his earnings are 'ample.'.* The variation in the infant mortality rate from one earnings group to another is not perfectly regular and consistent, but if any two or more consecutive groups are combined an invariable lowering of the infant mortality rate from one such combined group to that next higher results.

* "Ample" as used in this report has a somewhat arbitrary meaning. When information concerning the father's earnings was not available and the family showed no evidence of actual poverty, the word "ample" was used. If no information concerning earnings was available when, on the other hand, the family was clearly in a state of abject poverty, then the income was tabulated as "Under $521."

Table 30.

Distribution of Live Births and of Deaths During First Year, and Infant Mortality Rate, According to Annual Earnings of Father and Nativity of Mother, for Legitimate Live-Born Babies.

Annual earnings of father according to nativity of wife	Total live births	Deaths during first year	Infant mortality rate
Total	1,431	187	130.7
Under $625	384	82	213.5
Under $521	219	56	255.7
$521 to $624	165	26	157.6
$625 to $899	385	47	122.1
$625 to $779	224	24	107.1
$780 to $899	161	23	142.9
$900 or more	186	18	96.8
$900 to $1,199	138	14	101.4
$1,200 or more	48	4	83.3
Ample*	476	40	84.0
Husbands with native wives	785	76	96.8
Under $625	80	16	200.0
Under $521	32	9	†
$521 to $624	48	7	145.8
$625 to $899	193	20	103.6
$625 to $779	86	6	69.8
$780 to $899	107	14	130.8
$900 or more	129	10	77.5
$900 to $1,199	92	7	76.1
$1,200 or more	37	3	†
Ample*	383	30	78.3
Husbands with foreign wives	646	111	171.8
Under $625	304	66	217.1
Under $521	187	47	251.3
$521 to $624	117	19	162.4
$625 to $899	192	27	140.6
$625 to $779	138	18	130.4
$780 to $899	54	9	166.7
$900 or more	57	8	140.6
$900 to $1,199	46	7	152.2
$1,200 or more	11	1	†
Ample*	93	10	107.5

* See note on page 4.

† Total live births less than 50; base therefore considered too small to use in computing an infant mortality rate.

In considering the babies of native and of foreign mothers separately in the foregoing table, similar variations in mortality rates according to earnings of father are found, although the foreign infant death rate is higher in each group. The foreign are less numerous both actually and relatively in the higher wage groups. (Pages 45-46.)

Children's Bureau, United States Department of Labor, 1915. Infant Mortality, Montclair, N. J. A Study of Infant Mortality in a Suburban Community.

In view of the decision to include in this inquiry all babies born in Montclair in 1912, and to study the conditions surrounding them during their first year of life, the birth certificates were copied from the records of the health officer for all babies born in that year, and a 12-months' lapse of time from the date of birth was allowed in each case before the baby was visited; *i. e.*, a baby born in November, 1912, was not visited until after November, 1913, in order that the first 12 months of life might have been completed. (Pages 7-8.)

The infant mortality rate in this study is obtained by comparing the number of babies born alive in Montclair in 1912 and included in this study with the number of these same babies who died before they were a year old. The number of such deaths per 1,000 live births gives an exact infant mortality rate for the limited group considered. (Page 8.)

The results of the study in Montclair show that of the 402 babies included in the investigation 34 died before they were 1 year old, giving an infant mortality rate for this selected group of 1912 babies of 84.6 per 1,000 live births. (Page 11.)

Economic Status of the Family.

It is obvious that even the care given the baby by its mother often must be offset by the evils resulting from an income insufficient for the family's needs, since a low income frequently must involve undesirable housing ac-

commodations, an overworked mother, insufficient nourishment for mother and child, and lack of competent medical advice. Sir Arthur Newsholme has found in his English studies that infant mortality is higher among the poor than among the well to do, although natural feeding of infants is probably more general among the former.* Table 7 shows that in Montclair the infant mortality rate was approximately two and one-half times as high among families where the income was less than $12 a week as among families where the income was $23 a week or more.

TABLE VII.

Births, Deaths under 1 Year, and Infant Mortality Rate, According to Total Family Income.

Total family income	Births	Deaths under 1 year	Infant mortality rate
Total	†395	30	75.9
Under $625	95	11	115.8
$625 to $1,199	111	9	81.1
$1,200 and over	128	6	46.9
Not reported	61	4	65.6

Fourth Report of the New York State Factory Investigating Commission. 1915. Vol. IV. Appendix VII. Living On Six Dollars a Week.

Reducing the Cost of Living Quarters.

Living In a Single Room.

"A young girl couldn't live where I do," said Mrs. N., a young widow living in the questionable section of Buffalo, "but I'm married so I feel safe." She has been clerking since her husband's death, two and a half years ago, at $6 a week—renting a cheap little room in the lodging house district of the city. It is not yet known as

* Report on Infant and Child Mortality, by the medical officer of the local government board, 1909-10. London, 1910.

† Exclusive of illegitimate births.

the real "red-light" district, but as Mrs. N. herself put it "the lights are getting pinker every year".

A gas stove on which she cooks all of her meals occupies one corner of her room, a bed another, and a dresser and clothes, neatly arranged on hangers, each of the other two corners. A string stretching from bed to dresser serves as a laundry line. When this is in use the only free space in which to sit is the bed.

From nine until six Mrs. N. stands waiting on customers. At six o'clock she walks home through the unpleasant streets to her solitary room, cooks her dinner on the two burner gas stove, washes up the few dishes, sweeps the floor, washes and irons her shirtwaist and underwear, mends her clothes and then goes to bed. In the morning she rises early to cook her cereal and coffee, washes the dishes again, straightens the little room and then hastens to the store to report for work at 9 a. m. Such is her round—her life bounded by the jewelry counter in the store and the crowded room in the questionable section of the city. (Pages 1678-79.)

Sacrificing Privacy.

Sleeping three in a bed is the way one factory girl economizes on her rent. She pays only $3.50 for her board and room, but has to sleep in the same bed with two of the landlady's children. She is superintendent of the work at the chocolate table in a candy factory. Usually she gets $6 a week, but as the trade is seasonal and the factory closed entirely for a month or more at dull times, this $6 soon peters out. By practicing the most rigid personal economy and by paying for only one-third of a bed she "manages" on this amount. She also has to help about the housework, rising at five every morning in order to help get the breakfast. In the evening after the long day's work at the factory is done, she washes the supper dishes, washes out her own clothes, irons them, puts the two children to bed and then crawls into the same bed herself. No privacy—no pleasure—simply a dull, monotonous routine of work and then more work. (Pages 1679-80.)

Economizing on Clothes.

Many girls who have the ability make their own clothes in the evening, thus reducing the expenditure for this item. But this way of economizing means no free time in which to enjoy one's self, but evenings sitting bent over garments until late in the night. After a hard day's work at the counter or machine, an evening spent cutting out shirtwaists or bending over skirt patterns adds materially to the fatigues of the day, and cuts down the time which should be spent in recuperation.

But with an insufficient wage many girls find this form of economy unavoidable. (Pages 1682-83.)

Sacrificing All Recreation.

The total sacrifice of any legitimate pleasure is a common form of economy. In many cases among the girls interviewed this seemed especially disastrous because many of them were carrying a heavy burden of anxiety in addition to their work and particularly needed legitimate distraction. The low wage entailed not only the lack of an outlet for the normal spirit of youth, but also the lack of any relief from besetting worries and anxieties. (Page 1683.)

Some Considerations Affecting Economic Reconstruction. The Round Table, London, June, 1916.

It may be broadly asserted that the chief cause of unrest on the economic side is that the wage-earning classes do not get their fair share of the national income or national dividend, corresponding to the efforts and sacrifices they have to make. (Page 469.)

It is also clear from other researches by Dr. Bowley, quoted in the last issue of The Round Table, that a considerable proportion of the working classes of the British Isles live on or below the "primary poverty" line, or, in other words, find it hard to get the food, clothing and shelter necessary for a healthy life. (Page 471.)

The most valuable and most productive wealth of a nation, however, consists in the natural and acquired

qualities of its people, in their health, strength, knowledge, skill, and character. If it is economically wasteful to let machinery and plant run into disrepair and desuetude, it is far more wasteful, both morally and economically, to let the standard of living of any section of the nation fall, and, by low wages or too great labour or failure to provide the means of proper education or bad housing, to stunt and warp the free and generous development of their faculties. It is this aspect of the economic situation which is the most disquieting. There is no doubt that we let the human capital of the nation, so to speak, go into disrepair and desuetude to a greater extent than we let the material. This is partly, no doubt, due to the fact that the disrepair of human capital is often the result of its own shortcomings. Often it does not look after itself, does not put out its full efforts, is not saving enough, neglects forethought and self-management. It is very recalcitrant material, recalcitrant not only from ignorance, prejudice and bad habits, but from independence of spirit too. But though some of the evil may be due to our bad traditions, to the defects of our qualities, it is none the less true that the human waste in industry in the British Isles is terribly great. (Pages 475-476.)

The Standard of Living Among Workingmen's Families. Robert Coit Chapin, *Professor of Economics and Finance, Beloit College, Wisconsin. Russell Sage Foundation Publication, New York, 1909.*

If the family is able to make both ends meet out of its income, it seems a fair inference that it is able to maintain such standard of living as is represented by its expenditures. Still more probable is this if the family has a surplus of income over expenditures. This is not to say that the standard maintained is normal or adequate, however. It may be so low that in the course of a few years, if not sooner, the physique and morale of the family must deteriorate, or the effects may be

apparent only in the gradual deterioration of a whole group of the population in the course of one or two generations. This deterioration may be going on at the same time that individual families are living as best they can within their incomes. (Page 229.)

The under-fed, under-clothed, and over-crowded families, as has already been shown, make a better showing in keeping expenditures within income than do the families as a whole. This indicates that on the lower incomes, where most of these cases with sub-normal standard are found, an even balance or a surplus can be attained only by curtailing expenditures for necessaries below the point of meeting the requirements of healthy existence. (Page 232.)

Taking the figures for what they are worth, nearly half of the cases of borrowing reported (20 out of 42) are in the $600 income group; one-quarter are in the $700 group. The pawning reported is likewise nearly half of it in the $600 groups. This corroborates the suggestion already made, that the task of making both ends meet is too severe to be successfully accomplished in ordinary circumstances, on all incomes under $800, without a lowering of the standard of living below the normal demands of health, working efficiency, and social decency. (Page 234.)

The Living Wage of Women Workers. A Study of Incomes and Expenditures of 450 Women Workers in the City of Boston. LOUISE M. BOSWORTH. *Fellow, Women's Educational and Industrial Union. Longmans, Green & Co., New York, 1911.*

Roommates are another form of economy in rent. And hall bedrooms, unheated rooms, rooms without light, all come cheap, and reduce the ratio of rent to income. If a fair-priced room is divided among two or more occupants, the cost to the individual immediately drops to an amount that would come far short of paying for adequate living conditions by itself. But this is at a cost of privacy and independence which make it doubtful

whether a large room shared in this way is any more adequate than a small unheated room held in sole possession. . . . Factory girls report 17 out of 57 living in single rooms, 25 sharing with one, 15 with two. . . .

A living wage can perhaps purchase nothing which is of greater value than the luxury—which should really be considered a necessity—of a room to one's self. . . . (Page 52.)

There is a widespread notion that the working girl spends her money largely on clothes. . . .

The results of this investigation certainly do not support the common opinion regarding the working girl's extravagance in the matter of dress. On the contrary, it appears that, as a rule, in the long year-in-year-out run, with the individual and with the group, only so much of the weekly earnings as is left after almost everything else is bought goes for really necessary clothing. . . . It is true that, with an increase of earnings, money which might possibly be saved may often be spent on extending the wardrobe—"improving the standard of dress". (Pages 65-66.)

In general, the management of the clothing problem is, for the low-paid woman, a severe tax on her physical or financial resource. Either she must spend much ill-spared energy in hunting marked-down goods that will serve her purpose and in making them up, or she must resort to the extravagant method of buying on the installment plan or the equally extravagant course of buying very cheap clothes which do not last. Of course, the woman who is exceptionally clever in remodeling old clothes and making them last, and the woman who is in a position that affords unusual opportunities of buying goods at a reduction, find this problem less troublesome. But the average working girl on low wages is hard pressed to keep up appearances. (Page 71.)

Expenditure for recreation covers a wide range—theaters and picture shows, excursions and outings, books and magazines, clubs and societies, and innumerable forms of amusement and indulgence. . . . The opportunities are there, but the strength to grasp them

is not. Long hours and low wages do not supply the surplus vitality demanded for the proper enjoyment of these evening privileges. If the wages were sufficient to provide nourishing food and generally comfortable living conditions, and if the working day were short enough to allow more time for recuperation, the working girl might make good use of these chances for intellectual, physical and social development. (Page 85.)

United States Congress, Senate Document No. 645. Report on Condition of Woman and Child Wage Earners in the United States. Vol. V. Wage-Earning Women in Stores and Factories. 61st Congress, 2nd Session, 1911.

The younger women are still eager to enjoy anything that comes their way and keen to gather in all the excitement that they can. With their financial resources, however, the amount which they can spend for amusement is very limited, as the margin left after paying for food, shelter, heat, light, and laundry must furnish clothes before it can be drawn on for amusement or recreation. (Page 71.)

If the average weekly earnings and cost of living for both store and factory women in the seven cities, as shown in this investigation, be combined, the results show the weekly average earnings to be $6.67, and the average weekly cost of shelter, food, heat, light, and laundry as $3.80. Inasmuch as the earnings shown by the investigation conducted by the Women's Educational and Industrial Union were computed in the same way as the earnings of the women covered by this investigation and the discrepancy between the two results is but 46 cents for all the cities and only 39 cents in Boston, it is apparent that the two groups of women are fairly comparable. Making use, therefore, of the earnings and cost of living as shown by the results of this investigation (representing the larger and therein more reliable body of information) and the figures for the expenditure for clothes shown by the Women's Educational and In-

dustrial Union, the results may be summarized in the following statement:

Weekly earnings		$6.67
Weekly cost of shelter, food, heat, light and laundry	$3.80	
Weekly cost of clothes	1.38	
		5.18
Margin left for carfare, contributions to dependent relatives, emergencies, and amusements		1.49

Deducting, then, from the average earnings of all women, exclusive of waitresses, the cost of living and cost of clothes, there is left a margin of $1.49. Out of this comes carfare, often 60 cents a week; contributions to relatives, which average 44 cents; doctor bills, and all incidental expenses. When it comes to amusements, most of the women have nothing left to spend. Of the 1,568 women who reported on this question 62 per cent. said that they spent no money for pleasure—that it took all their earnings to meet their daily expenses. Thirty-eight per cent. reported that they spent something, but only 450, or 22.3 per cent., gave a definite weekly amount. These sums varied from 5 cents to $2, but the average for the 450 was 37 cents. (Pages 73-74.)

Women in the Bookbinding Trade. Mary Van Kleeck. *Russell Sage Foundation Publication. New York, 1913.*

Of all the complex factors to be considered in describing a trade, the most vital is the relation of the wage scale to the maintenance of wholesome living conditions among the workers. To discuss women's wages merely as a phase of trade problems, unrelated to the life of the worker outside the workroom, is to miss the real significance of the conditions of their work. (Page 72.)

Surprising, indeed, is the complacency with which many persons regard the low wages of working women. They believe that the problem concerns only the welfare

of the individual girl, and that if she can live at home, merely supplementing the family income, her scanty earnings need cause no concern. Such easy-going thinking ignores the fact that the low standard of remuneration of the large proportion of the community's workers which women now represent must inevitably lower the industrial standards of the whole community. Nor does it occur to them that the low wages of women are a prime cause of poverty, preventing wholesome and decent living in thousands of families which depend wholly or in part upon women's earnings. (Page 86.)

Report of the Social Survey Committee of the Consumers' League of Oregon on the Wages, Hours and Conditions of Work and Cost and Standard of Living of Women Wage Earners in Oregon, with Special Reference to Portland. CAROLINE J. GLEASON. *Portland, Oregon, 1913.*

The wages paid to women workers in most occupations are miserably inadequate to meet the cost of living at the lowest standards consistent with the maintenance of the health and morals of the workers. Nearly three-fifths of the women employed in industries in Portland receive less than $10 a week, which is the minimum weekly wage that ought to be offered to any self-supporting woman wage earner in this city. (Page 6.)

Many girls take a roommate and thus reduce their cost of living at the same time that they reduce their opportunity of recuperation. Sometimes they room three together, the better to economize. An example of this is that of three girls living with a woman in a small, crowded flat. The three girls room together in an inside court room and each pays $30 per month for the room, breakfast and dinner. (Page 58.)

A frequent plan of living is that of a housekeeping system, where the rooms are made to differ from ordinary sleeping rooms by the addition of an oilcloth-covered table, a few cheap cups, saucers and plates, linen, hardware, a gas plate, and once in a while some silver. Sometimes the renter is required to furnish both her

silver and hardware. The opportunity to cook her own meals and wash her own dishes may help to keep the domestic feeling alive in the struggling worker, but it does not help her to keep alive the physical strength and moral courage needed for persistency in this same struggle. (Page 60.)

Recreation and Vacation.

Maximum average amounts spent for these items amount to $36.62; the minimum amount recorded is $12.50. Of the four specified trades, the three groups of women adrift spend more for recreation and vacation than do the women living at home. This would tend to show that the girl at home can get decent amusement cheaper or else has friends to rely on for her good times. There is not the same temptation for the girl at home to seek fun outside as there is for the girl adrift, whose lonesomeness in her one room drives her innocently to seek diversion that eventually ends disastrously for her.

TABLE 35.

Average Sum Spent Annually for Recreation and Vacation by 509 Wage-Earning Women in Portland classified by occupation and as to living "at home" or "adrift."

No.	Occupation.	Average Annual Expense. At Home	Adrift.
36	Laundry	$ 18.25	$ 12.50
100	Factory	12.91	16.60
116	Department Store	21.48	36.62
88	Office	20.14	35.78
169	Miscellaneous	22.02	20.83

Education and Reading.

Sums spent for this purpose indicate that mental recreation or training of any kind is almost entirely lacking among the wage-earning women. Several reasons may be given for this. One is that the great majority of them have to leave school before their education is

half completed. A second reason is that when they reach home at night they are too tired to read or study music. A third is that they haven't the money to use this way if they wished to. (Pages 66-67.)

Poverty: A Study of Town Life. B. Seebohm Rowntree, (*Director in the Firm of Rowntree and Co. Ltd., Manufacturers of Cocoa*). *MacMillan, London, 1901.*

Particulars were obtained regarding 11,560 families. (Page 26.)

Low wages mean insufficient food, insufficient clothing, unfitness for labor, so that the vicious circle is complete. The children of such parents have to share their privations, and even if healthy when born, the lack of sufficient food soon tells upon them. Thus they often grow up weak and diseased, and so tend to perpetuate the race of the "unfit". (Page 46.)

These unseen consequences of poverty have, however, to be reckoned with—the high death-rate among the poor, the terribly high infant mortality, the stunted stature and dulled intelligence—all these and others are not seen unless we look beneath the surface; and yet all are having their effect upon the poor, and consequently upon the whole country. (Pages 135-136.)

Hansard's Parliamentary Debates. House of Lords. Vol. 2. 1909.

Lord Hamilton of Dalzell:

I shall not attempt to coin a new definition of sweating. There are many such in circulation already, but I will take what I believe to be the ordinary meaning of the word—the payment by an employer to his workpeople of a wage which is insufficient to purchase for them the necessaries of life; and in bringing forward this Bill I would simply ask your Lordships whether or not you consider that such wages ought to continue to be paid. I do not think that there can be more than one answer to such a question. It is already, to our credit as a na-

tion, a punishable offense in this country to allow an animal which is dependent upon us to starve, and it does not seem very much to ask that the same principle should be extended to human beings. When an insufficient wage is paid something approaching starvation must take place, perhaps not actually in the matter of food, but in poorness of clothing, poorness of lodging, and bad quality of food—that is, unless the insufficient wages are supplemented from some other source. There are cases, of course, in which the wages are so supplemented. In some cases that may be done by charitable relief, perhaps rather misplaced charitable relief, and even I believe by Poor Law relief in some form or another. I think it might fairly be said that a trade which cannot exist without such assistance must be a thoroughly rotten one and a trade of which we should be well rid. (Pages 975-976.)

Hansard's Parliamentary Debates. Vol. 50. 1913.

Mr. Snowden:

Take the latest figures as to pauperism. In England and Wales alone, at this time of sustained trade prosperity, nearly 700,000 persons on any one day are in receipt of Poor Law relief. That means that in the last year, 1912, a year of sustained trade prosperity, a year when the figures of our foreign trades showed an increase of nearly one hundred millions sterling over the figures of the previous year, we had something like, and certainly not less than, three million persons, different persons, who at one time or another had to apply for Poor Law relief. Take the housing conditions, which are another result of low wages. We have not yet, unfortunately, the figures for the last census returns, but I think I may venture to prophesy that those figures, when they do appear, dealing with the housing condition of the people in 1911, will show that not less than one-fourth, and probably nearer to one-third, of the wage earners of this country were housed under conditions which are described officially as overcrowding. As the result of those bad housing conditions we have a death rate

amongst the poor which is from two or four times higher than the death rate amongst the well-to-do. Take my own borough, Blackburn, which is only typical of every industrial town in the country, and I find that the death rate in the poorest ward of the children is from three to four times more than the death rate among the better off well-to-do part of the population. There we have the result of the low wages, of the inability of the people to provide adequate, healthy housing accommodation, and then the inability of the people to provide sufficient nourishment for their children. Budgets which have been taken in different parts of the country show that the low wages of the poor are in a great many instances far too small to enable the parents to buy milk for their young children. That is one of the most painful facts brought out by the investigations. (Pages 460-461.)

There is nothing so expensive as poverty. We are paying for these low wages in a thousand ways—in the physical inefficiency of our workpeople, and in physical deterioration. (Page 466.)

Mr. Alfred Smith, Member for Clitheroe, Lancashire:

It has been said that there are in this country regularly employed—this is leaving out of account casual labour—one million adult men at less than 20s. a week, and another million and a half at less than 25s. a week, and that 8 per cent. of the population live in houses that are hardly fit for habitation. If we allow this system to go on, what will become of our young people? We are fond of speaking about building up the Empire. Every day we read in the papers about attempts being made to get as good men as possible to go into the services to defend their country. But hon. Members must realise that these people are getting every day more and more unfitted for that work. Some of them are beginning to ask what they have to lose, if Germany or any other Power comes. So long as you keep the people underpaid, badly clothed, and badly housed, so long will the race go down. (Page 551.)

D. ECONOMIC ASPECT OF LOW WAGES.

(1) No Present Standards for Women's Wages.

Investigation has proved that the wages of women are fixed at present mainly by chance or hap-hazard. It has long been assumed that wages are regulated by the law of supply and demand. But in fact it proves that, owing to the intervention of many factors, such a law fails to operate. Earnings for the same work in a given industry vary from establishment to establishment. The wage is fixed neither by the value of service rendered nor by what the industry can afford. Establishments paying higher wages exist and prosper side by side with establishments of the same kind, manufacturing the same product, for the same market, whose wage levels are conspicuously lower. Hence it is clear that the payment of higher wages has not proved an economic handicap.

Not only do the actual earnings thus vary for similar work in similar establishments, but the nominal rates of pay vary also. As shown below in detail actual earnings are decidedly lower than the nominal rates of pay.* Owing to deduction for time lost for industrial and personal causes, the workers customarily earn 20 to 25 per cent. less than their scheduled weekly rates. Such deductions from the nominal weekly rates vary greatly in different establishments, as is evident from the payroll tables which follow.

So great is the lack of standardization in any given industry that similar establishments in the same localities are thus shown to vary widely in three essential particulars: First, they vary in the nominal rates of pay

* See pages 183-226.

for the same work; second, they vary in the deductions made for various causes from the nominal rates of pay; third, they vary greatly, in consequence, in the actual wages paid. Lower earnings are therefore no proof whatsoever that underpaid employees are "worth" less than those receiving more. The lower pay is proof only that in fixing wages, chance not standards, rule.

Bulletin of the United States Bureau of Labor Statistics. Number 175. Women in Industry Series, No. 5. December 1915. Summary of the Report on Condition of Woman and Child Wage Earners in the United States. Employment of Women and Children in Selected Industries.

And when it comes to the question of earnings, the lack of standardization seems to reach its height. In the main the women were wholly unorganized and seemed to have no idea in regard to wages beyond taking what they could get. The determining factor seemed not so much what their services were worth or what the industry could afford as the individual employer's attitude upon the matter. In one and the same industry employers would be found who so graded their rates that the average employee would be able to earn fair wages, the unusual employee, of course, under such a system earning very good wages; employers who took foreign women because they could get them for lower wages than American women; and employers who sought girls under 16 for all the occupations they could fill on the admitted ground that "they could do as much as a woman and would work for less." With some employers the lowest wages a woman or girl could be induced to work for decided what she could get. In many cases there was an evident intention to treat the employees justly and considerately, but nowhere was there any generally accepted standard of what constituted a fair or reasonable wage. What a woman could earn by a week's work

seemed to depend fully as much upon extrinsic factors over which she had no possible control as upon her own ability or her own efforts. (Pages 418-419.)

Massachusetts Minimum Wage Commission. Bulletin No. 1. January, 1914. Wages of Women in the Brush Factories in Massachusetts.

In consideration of the question whether the industry will bear a higher rate of compensation than some employers pay, a comparison of the wage level of different establishments is highly important. Examination of Table 3 affords this comparison.

Establishment No. 1 is shown to pay less than the average for the whole industry. Not only do a smaller proportion receive "$9 and over" than in the industry as a whole, but a larger proportion of workers is found in every one of the lower wage groups; for example, 79.1 per cent. of all the workers in the industry earn less than $7 a week, but in the establishment under consideration 91.4 per cent. of the workers earn less than $7 a week,—a variation of 12.3 per cent. below the average. Establishments Nos. 10 and 7, on the contrary, pay conspicuously higher wages than the average. Establishment No. 10 has only 25 per cent. of its workers earning less than $9, and Establishment No. 7 only 36.4 per cent. earning less than $9, as against an average of 93 per cent. under $9 in the industry as a whole. This study has made it plain that great variation in wages exists between establishments and that establishments paying higher wages exist and prosper in the same neighborhood with others whose wage level is decidedly lower. This fact is true of establishments with similar product, manufacturing for the same market, and for establishments with extreme variation in size of plant. The level of wages is usually in favor of the smaller. (Pages 11-12.)

TABLE III.

Average Weekly Earnings: by Establishments (Cumulative).

Establishment	PER CENT. OF WORKERS EARNING—						
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and Over
No. 1,	19.8	51.5	79.2	91.4	97.0	98.3	1.7
No. 2,	18.4	34.2	56.8	69.5	82.6	90.0	10.0
No. 3,	13.3	53.3	73.3	80.0	93.3	100.0	—
No. 4,	—	—	100.0	100.0	100.0	100.0	—
No. 5,	—	50.0	50.0	50.0	50.0	50.0	50.0
No. 6,	13.2	39.5	55.3	65.8	78.9	86.8	13.2
No. 7,	—	—	—	9.1	36.4	36.4	63.6
No. 8,	—	—	40.0	80.0	80.0	80.0	20.0
No. 9,	17.6	41.2	47.1	70.6	82.4	100.0	—
No. 10,	—	—	—	—	25.0	25.0	75.0
No. 11,	—	50.0	50.0	75.0	75.0	100.0	—
No. 12,	—	50.0	50.0	100.0	100.0	100.0	—
No. 13,	—	—	—	50.0	50.0	50.0	50.0
No. 14,	—	—	—	33.3	100.0	100.0	—
Total,	17.6	42.7	66.2	79.1	88.6	93.0	7.0

(Page 17.)

Massachusetts Minimum Wage Commission, Bulletin No. 2. January, 1914. Wages of Women in the Corset Factories in Massachusetts.

A comparison of the wage level in different establishments has important bearing upon the question of the effect upon the industry of paying a higher rate of compensation to the minimum wage earner. Striking, in this connection, is the degree of variation in the wages paid by different establishments as indicated by Table 3. Establishment No. 7 paid weekly earnings of less than $6 to only 13.3 per cent. of its workers, while Establishments Nos. 4 and 6 paid less than $6 to 63.8 per cent. and 56 per cent. respectively. In each of the two latter establishments the percentage of workers who earned as much as $9 a week is almost negligible, whereas Establishment No. 7 paid $9 or more a week to 43.4 per cent. of its workers. Establishments Nos. 4 and 6 paid less than the average for the industry in every instance.

Reasons for the existing difference of wage levels within the State claim attention before the defence of low wages, on the basis of interstate and foreign competition. The foregoing presentation sets forth the fact that the corset industry in Massachusetts does show great variation in the wages of different establishments. (Pages 13-14.)

TABLE III.

Average Weekly Earnings: by Establishments. (Cumulative.)

Establishments.	Per Cent. of Workers Earning—						
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over
Number 1	8.2	17.6	33.6	51.5	66.3	82.7	17.3
" 2	4.7	11.6	26.7	43.5	67.2	84.9	15.1
" 3	19.3	35.2	45.5	63.6	77.3	87.5	12.5
" 4	20.0	46.7	63.8	81.0	92.4	98.1	1.9
" 5	12.0	21.5	41.1	61.4	78.5	89.9	10.1
" 6	26.4	41.8	56.0	72.5	92.3	98.9	1.1
" 7	2.1	4.9	13.3	28.7	37.8	56.6	43.4
" 8	15.8	33.3	52.6	63.2	84.2	91.2	8.8
Total	9.6	20.0	35.5	53.5	68.7	83.6	16.4

(Page 21.)

Massachusetts Minimum Wage Commission. Bulletin No. 4. October, 1914. Wages of Women in the Candy Factories in Massachusetts.

Variation Among Establishments.

The amounts of wages paid weekly show a remarkable variation among the different establishments, in view of the fact that several of the factories under consideration are in the same general locality and to some extent draw on the same labor supply. This fact is especially marked in the lower wage groups. (Table III. (a).) For example, establishment No. 10 pays the majority of its workers less than $4 a week, while establishment No. 1 pays so small an amount to only 11.6 per cent.

of its workers, and establishments Nos. 12, 13 and 14 have no workers in this group. It should be said, however, that the last three mentioned are very small and manufacture a high-grade product. Establishments Nos. 12 and 14 also give their employees annual vacations of from one to two weeks with pay, which serves to raise the average weekly earnings recorded for these establishments. Leaving them out of account, no establishment pays 8 per cent. of its workers as much as $9.

Table III. (b), when compared with Table III. (a) shows the differences between scheduled weekly rates and the wages actually paid by the different establishments. Only three factories engage workers at weekly rates of less than $4, but eleven factories, or all except three, actually pay less than that amount to many of their workers. One factory, which has no scheduled rates of less than $4, but which places the majority of its rates between $4 and $5, actually pays less than $4 to more than one-half of its women employees. The differences between the scheduled rates of the different factories are in themselves illuminating with regard to the labor situation, and suggest the same points of interest as arose in examination of the table showing earnings by occupation. For example, establishment No. 1 and establishment No. 2, with approximately the same restrictions on their labor market and the market for their product, offer conspicuously different rates of pay, and the establishment which offers the higher rates continues to carry on business successfully. It has been previously suggested in the discussion of weekly earnings that a possible explanation of such differences may lie in the kind of product manufactured. The question remains as to the degree in which the efficiency of management is influential in determining such variations. (Pages 22-23.)

Table III (a)

Average Weekly Earnings: by Establishments. (Cumulative).

Establishments	Per Cent. of Workers Earning—						
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over
No. 1,	11.6	36.5	64.7	82.4	89.9	95.8	4.2
No. 2,	26.8	50.0	69.7	82.3	92.0	97.6	2.4
No. 3,	12.1	32.9	53.4	70.0	84.7	96.4	3.6
No. 4,	42.8	73.0	85.3	93.0	96.1	99.6	.4
No. 5,	21.4	46.0	68.1	84.8	94.2	99.3	.7
No. 6,	31.5	62.6	73.6	86.8	96.7	99.3	.7
No. 7,	27.5	59.3	79.1	94.2	97.3	98.8	1.2
No. 8,	41.6	75.3	89.6	96.1	100.0	100.0	—
No. 9,	17.2	56.9	81.0	98.3	98.3	100.0	—
No. 10,	51.8	75.0	87.5	89.3	91.1	98.2	1.8
No. 11,	15.8	44.7	68.4	89.5	92.1	92.1	7.9
No. 12,	—	—	—	8.3	41.7	91.7	8.3
No. 13,	—	—	12.5	12.5	87.5	100.0	—
No. 14,	—	—	—	—	28.6	42.9	57.1
Total,	23.1	49.0	69.6	83.8	92.1	97.5	2.5

(Page 32.)

Table III (b)

Weekly Rates: by Establishments (Cumulative).

Establishments	Per Cent. of Workers with Weekly Rates of—						
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over
No. 1,	—	9.7	43.4	70.5	87.8	93.3	6.7
No. 2,	—	35.0	62.9	76.7	88.8	97.9	2.1
No. 3,	—	21.7	42.0	57.3	73.2	92.9	7.1
No. 4,	7.0	50.2	74.0	86.3	93.0	99.6	.4
No. 5,	—	24.9	46.5	62.8	79.9	95.2	4.8
No. 6,	3.4	39.1	56.2	71.9	88.5	100.0	—
No. 7,	5.3	17.2	48.8	76.6	91.4	99.0	1.0
No. 8,	—	32.5	63.6	83.1	93.5	98.7	1.3
No. 9,	—	—	75.0	87.5	93.8	100.0	—
No. 10,	—	56.4	74.5	85.5	90.9	90.9	9.1
No. 11,	—	—	—	—	—	—	—
No. 12,	—	—	—	—	8.3	83.3	16.7
No. 13,	—	—	—	12.5	12.5	87.5	12.5
No. 14,	—	—	—	—	—	14.3	85.7
Total,	1.2	26.3	53.5	72.2	86.3	96.0	4.0

Note: Rates were not available for establishment No. 11.

(Page 32.)

Massachusetts Minimum Wage Commission. Bulletin No. 5, October, 1914. Wages of Women in the Laundries in Massachusetts.

In Table No. III and Table IV the matter of earnings and rates is considered apart from occupations, but with reference to each of the 36 establishments studied. The most striking fact shown by the tables is the wide differences in both respects among the various establishments. In Table III., for example, there are several establishments in which no women earned less than $4, while in two others 42.4 and 46 per cent. earned less than $4. In the same way the proportions of those who earned over $9 vary from 42.3 per cent. to none. Corresponding variations are true of the rates scheduled to be paid.

This striking variation among the wages paid in the various establishments becomes exceedingly important in the discussion of possible increases in wages. The opinion is frequently found among Massachusetts employers to the effect that any increase in wages would unduly hamper them to such an extent that it would become necessary to take their capital out of the State and invest it in a State where the price of labor and costs incidental to it are not so high. Such findings as those of the present study suggest further questions as to this necessity. If it is possible for employers in the same business, in the same localities (for example, establishments No. 2 and No. 20, which are in the same city), to carry on business successfully, it would seem to be indicated clearly that the payment of high wages does not unduly handicap an establishment. It should be remembered, also, that rates of wages have been left wholly to employer and employee up to the present time, and that therefore it must be a question of employers' policy which is involved in the high rates in certain establishments.

In addition it should be said that the payment of high wages is not the practice in the large cities alone, or the payment of low wages the rule in small cities, where the cost of living is supposed to be low. Almost without exception the lowest wages paid were in establishments in Boston proper. (Pages 23-25.)

Table III.

Average Weekly Earnings: by Establishments. (Cumulative).

Establishments	Per Cent. of Workers Earning—						
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over
No. 1,	29.3	62.5	70.3	81.9	90.8	96.4	3.6
No. 2,	4.4	19.3	34.3	51.4	65.7	84.0	16.0
No. 3,	—	1.2	13.8	33.5	56.9	69.5	30.5
No. 4,	1.3	19.5	75.5	90.6	94.3	99.4	.6
No. 5,	3.3	25.0	67.8	80.3	88.2	95.4	4.6
No. 6,	4.0	8.9	14.5	25.8	48.4	74.2	25.8
No. 7,	3.4	12.7	57.6	72.9	88.1	94.9	5.1
No. 8,	6.5	26.9	51.9	68.5	83.3	88.9	11.1
No. 9,	—	5.9	49.0	87.3	96.1	99.0	1.0
No. 10,	—	15.0	62.0	83.0	95.0	99.0	1.0
No. 11,	5.3	34.7	64.2	80.0	91.6	97.9	2.1
No. 12,	10.6	29.8	54.3	64.9	79.8	93.6	6.4
No. 13,	9.3	20.9	48.8	81.4	88.4	94.2	5.8
No. 14,	1.2	25.6	46.5	58.1	70.9	93.0	7.0
No. 15,	28.0	62.2	86.6	93.9	96.3	98.8	1.2
No. 16,	—	13.8	51.3	75.0	91.3	98.8	1.2
No. 17,	—	6.9	33.3	58.3	86.1	98.6	1.4
No. 18,	4.2	16.9	33.8	53.5	71.8	90.1	9.9
No. 19,	3.0	9.0	28.4	41.8	67.2	89.6	10.4
No. 20,	42.4	77.3	97.0	100.0	100.0	100.0	—
No. 21,	46.0	76.2	87.3	93.7	98.4	100.0	—
No. 22,	—	9.5	27.0	49.2	57.1	77.8	22.2
No. 23,	—	9.4	39.6	75.5	96.2	100.0	—
No. 24,	3.9	7.8	37.3	72.5	92.2	96.1	3.9
No. 25,	3.9	26.5	58.8	76.5	86.3	96.1	3.9
No. 26,	9.3	44.2	88.4	93.0	93.0	95.3	4.7
No. 27,	7.5	35.0	87.5	92.5	95.0	95.0	5.0
No. 28,	—	12.5	37.5	70.0	85.0	92.5	7.5
No. 29,	—	2.6	35.9	61.5	74.4	76.9	23.1
No. 30,	—	2.9	17.7	58.8	94.1	97.1	2.9
No. 31,	5.9	32.4	61.8	91.2	94.1	100.0	—
No. 32,	—	9.1	51.5	90.9	97.0	97.0	3.0
No. 33,	—	3.3	13.3	53.3	90.0	96.7	3.3
No. 34,	—	—	—	7.7	19.2	57.7	42.3
No. 35,	—	—	4.0	24.0	64.0	80.0	20.0
No. 36,	—	—	4.5	9.1	59.1	86.4	13.6
Total,	8.2	25.0	51.5	68.8	82.2	91.8	8.2

(Page 32.)

Table IV.

Weekly Rates: by Establishments. (Cumulative.)

Establishments	Per Cent. of Workers with Weekly Rates of—						
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over
No. 1,	—	33.9	65.4	76.6	81.2	91.1	8.9
No. 2,	—	33.3	17.8	32.8	51.1	61.7	38.3
No. 3,	—	—	2.0	24.3	50.7	69.6	30.4
No. 4,	—	—	41.1	84.2	100.0	100.0	—
No. 5,	—	—	59.5	73.0	83.3	89.7	10.3
No. 6,	2.4	4.8	7.2	12.9	24.2	46.8	53.2
No. 7,	—	—	—	75.3	86.5	97.8	2.2
No. 8,	1.2	16.7	44.0	71.4	81.0	92.9	7.1
No. 9,	—	—	—	47.1	89.2	97.0	3.0
No. 10,	—	3.0	20.0	61.0	85.0	97.0	3.0
No. 11,	—	23.2	57.9	68.4	81.0	90.5	9.5
No. 12,	—	4.3	29.3	54.3	66.3	80.4	19.6
No. 13,	—	—	8.1	37.2	75.6	87.2	12.8
No. 14,	—	1.2	32.9	50.6	60.0	72.9	27.1
No. 15,	—	39.0	60.9	90.2	93.9	96.3	3.7
No. 16,	—	2.7	10.7	62.7	72.0	94.7	5.3
No. 17,	—	4.2	7.0	27.8	70.9	90.3	9.7
No. 18,	—	—	2.4	14.6	31.7	43.9	56.1
No. 19,	—	—	9.0	23.9	40.3	62.7	37.3
No. 20,	—	56.1	84.9	97.0	100.0	100.0	—
No. 21,	9.5	57.1	77.7	92.0	96.8	98.4	1.6
No. 22,	—	2.2	22.2	44.4	66.7	75.6	24.4
No. 23,	—	—	30.2	56.6	88.7	100.0	—
No. 24,	—	—	8.0	40.0	76.0	92.0	8.0
No. 25,	—	—	31.4	68.6	78.4	88.2	11.8
No. 26,	—	4.6	41.8	88.4	90.7	93.0	7.0
No. 27,	—	—	37.5	85.0	92.5	95.0	5.0
No. 28,	—	7.5	17.5	32.5	57.5	75.0	25.0
No. 29,	—	—	12.8	48.7	56.4	71.8	28.2
No. 30,	—	—	—	15.3	84.9	90.9	9.1
No. 31,	—	—	—	13.3	80.0	93.3	6.7
No. 32,	—	—	—	90.9	97.0	97.0	3.0
No. 33,	—	—	3.3	30.0	50.0	96.7	3.3
No. 34,	—	—	—	3.8	3.8	42.3	57.7
No. 35,	—	—	—	—	—	72.0	28.0
No. 36,	—	—	—	4.5	13.6	54.5	45.5
Total,	.4	10.0	29.5	55.1	71.6	84.0	16.0

(Page 33.)

Massachusetts Minimum Wage Commission. Bulletin No. 6, March, 1915. Wages of Women in Retail Stores in Massachusetts.

Table IV., for example, shows to how great an extent different establishments vary in the scale of wages paid to their employees. Establishment No. 15 pays nearly one-fourth of its workers more than $12 a week, and pays no one less than $3 a week, while establishment No. 4 pays 12.2 per cent. of its employees less than $3 a week. Establishment No. 16 pays more than one-half of its workers less than $5 a week, while in each of four other stores less than 5 per cent. of the workers are paid less than $5 a week.

Many other comparisons which it is possible to make from the material presented in this table give additional support to one conclusion, namely, that the pressure of wage competition cannot be cited as the factor which prevents raising of wages in a given store. It is shown by such facts as these that stores in the same locality can thrive side by side, one paying a far higher wage than the other, and that as time goes on neither may find it necessary, though either may find it possible, to modify the wage scale. (Pages 24-25.)

Similarly, Table V. shows the wide differences between stores with regard to rates of wages, and also demonstrates the existence of the gap between the rates of pay and the amounts which the girls' pay envelopes actually contain. (Page 25.)

Table IV.

Average Weekly Earnings: by Establishments (Cumulative) (Regulars).

Establishments	Per Cent. of Workers Earning—										
	Under $3.	Under $4.	Under $5.	Under $6.	Under $7.	Under $8.	Under $9.	Under $10.	Under $11.	Under $12.	$12 and over
No. 1,	.4	7.2	22.8	26.5	31.7	57.6	73.8	82.9	87.4	91.3	8.7
No. 2,	8.7	22.3	29.9	36.5	47.3	65.6	76.8	83.1	88.2	92.4	7.6
No. 3,	7.1	22.9	32.5	41.5	54.2	73.8	83.4	90.3	93.1	95.7	4.3
No. 4,	12.3	21.1	26.9	50.3	62.2	71.7	78.9	84.7	88.6	91.7	8.3
No. 5,	—	.3	1.7	38.1	66.3	81.0	88.1	92.9	94.9	96.6	3.4
No. 6,	1.2	9.4	19.6	45.9	66.7	82.0	89.0	94.1	96.9	97.3	2.7
No. 7,	1.0	1.5	4.1	16.4	41.0	57.4	70.3	77.9	83.1	88.2	11.8
No. 8,	—	.7	8.3	45.5	72.4	86.9	91.0	93.8	95.9	97.2	2.8
No. 9,	1.6	5.5	10.9	32.0	55.5	76.6	86.7	91.4	93.8	96.9	3.1
No. 10,	—	7.0	26.6	32.8	61.7	82.8	89.8	91.4	93.8	96.1	3.9
No. 11,	1.7	3.3	9.9	42.1	62.8	76.9	81.8	88.4	90.9	92.6	7.4
No. 12,	—	1.9	9.5	22.9	53.3	73.3	89.5	95.2	97.1	97.1	2.9
No. 13,	—	—	1.1	13.2	37.4	53.8	69.2	81.3	92.3	94.5	5.5
No. 14,	—	2.4	18.8	36.5	51.8	64.7	72.9	80.0	83.5	91.8	8.2
No. 15,	—	1.3	7.7	16.7	23.1	34.6	61.5	67.9	71.8	76.9	23.1
No. 16,	—	21.9	53.1	73.4	82.8	89.1	90.6	93.8	93.8	93.8	6.2
No. 17,	3.6	14.3	33.9	62.5	80.4	92.9	94.6	98.2	98.2	98.2	1.8
No. 18,	—	—	2.4	9.8	26.8	51.2	78.0	92.7	95.1	95.1	4.9
No. 19,	—	—	33.3	55.6	72.2	88.9	88.9	100.0	100.0	100.0	—
No. 20,	—	—	25.0	66.7	83.3	100.0	100.0	100.0	100.0	100.0	—
No. 21,	—	—	10.0	30.0	60.0	70.0	90.0	90.0	100.0	100.0	—
No. 22,	—	—	—	57.1	57.1	57.1	71.4	71.4	100.0	100.0	—
Total,	3.4	11.6	22.5	33.9	46.3	66.4	78.5	85.6	89.6	92.9	7.1

(Page 38.)

Table V.

Weekly Rates: by Establishments (Cumulative) (Regulars).

Establishments	Per Cent. of Workers with Weekly Rates of—										
	Under $3.	Under $4.	Under $5.	Under $6.	Under $7.	Under $8.	Under $9.	Under $10.	Under $11.	Under $12.	$12 and over
No. 1,	—	—	12.2	23.1	27.3	33.9	70.0	80.2	87.1	90.2	9.8
No. 2,	.4	14.2	24.4	30.8	36.5	48.4	69.0	78.1	85.0	87.1	12.9
No. 3,	—	13.5	25.7	32.3	40.5	50.1	72.3	82.8	89.7	92.0	8.0
No. 4,	8.3	14.2	22.2	25.6	51.9	63.0	72.4	77.8	84.3	87.7	12.3
No. 5,	—	—	—	.4	44.2	70.7	82.2	88.4	93.1	94.9	5.1
No. 6,	—	2.7	11.4	23.9	51.8	71.0	84.7	92.9	96.9	96.9	3.1
No. 7,	—	1.0	1.5	2.6	17.9	41.0	58.5	70.3	80.0	82.6	17.4
No. 8,	—	—	—	4.8	47.6	78.6	86.2	91.0	95.9	95.9	4.1
No. 9,	—	3.1	5.5	10.9	34.4	58.6	78.1	87.5	92.2	93.8	6.2
No. 10,	—	3.9	17.2	26.6	30.5	64.1	85.2	89.8	91.4	92.2	7.8
No. 11,	—	1.7	2.5	6.6	47.9	64.5	77.7	83.5	90.1	90.9	9.1
No. 12,	—	—	2.9	9.5	21.0	57.1	74.3	89.5	96.2	97.1	2.9
No. 13,	—	—	—	—	13.2	46.2	62.6	81.3	89.0	92.3	7.7
No. 14,	—	—	5.9	15.3	37.6	51.8	62.4	70.6	78.8	81.2	18.8
No. 15,	—	—	1.3	12.8	16.7	24.4	33.3	64.1	69.2	69.2	30.8
No. 16,	—	—	32.8	53.1	70.3	85.9	87.5	89.1	92.2	92.2	7.8
No. 17,	—	8.9	16.1	32.1	60.7	80.4	92.9	94.6	98.2	98.2	1.8
No. 18,	—	—	—	—	—	73.2	85.4	95.1	95.1	95.1	4.9
No. 19,	—	—	16.7	33.3	61.1	72.2	88.9	94.4	100.0	100.0	—
No. 20,	—	—	—	8.3	66.7	100.0	100.0	100.0	100.0	100.0	—
No. 21,	—	—	—	—	30.0	70.0	80.0	90.0	100.0	100.0	—
No. 22,	—	—	—	—	—	57.1	71.4	71.4	100.0	100.0	—
Total,	.5	5.3	14.7	22.6	34.7	48.1	72.0	81.4	87.9	90.2	9.8

(Page 39.)

Five-and-Ten Cent Stores.

Tables XVI. to XXVI., inclusive, are a study of the women in Five-and-Ten Cent Stores. This group of stores is treated separately because not fairly comparable with the employees in the retail stores of the department store type where a wide range of goods is handled. The nature of the goods offered for sale makes them almost self-salable, and the necessity of training in salesmanship is reduced to a minimum. (Page 29.)

Table XVII. shows weekly earnings by establishments, and makes possible a comparison in a group of stores in which the nature of the goods sold is peculiarly uniform. Tables XVIII. and XIX. show the rates which the employees are scheduled to receive. . . . No one is scheduled to receive under $4, but an appreciable per cent. are actually receiving under $3. From the $4 to $5 group the rate line makes a direct ascent to its apex, $5 to $6. Though a small per cent. of the workers are actually on a $4 to $5 rate, the earning line makes apparent that a large per cent. (over 40) are forced back into this group from the higher groups. From this point the earning line falls far below the rate line, and while over 60 per cent. of the workers are scheduled at a rate of from $5 to $6, only about 35 per cent. actually receive this amount, and the per cent. earning a given wage continues to be less except in the $12 and over group, where the 10 per cent. December increase customary in one of the largest stores affects the earning line. (Page 30.)

Table XVII.

Average Weekly Earnings: by Establishments (Cumulative) (Five-and-Ten Cent Stores, Regulars).

Establishments	Per Cent. of Workers Earning—										
	Under $3.	Under $4.	Under $5.	Under $6.	Under $7.	Under $8.	Under $9.	Under $10.	Under $11.	Under $12.	$12 and over
No. 23,	—	26.5	37.0	76.7	88.4	93.2	96.3	98.4	98.9	99.5	.5
No. 24,	—	5.6	48.1	83.3	94.4	96.3	98.1	100.0	100.0	100.0	—
No. 25,	—	11.0	56.2	93.2	95.9	98.6	98.6	98.6	100.0	100.0	—
No. 26,	3.0	18.8	70.3	94.1	98.0	99.0	99.0	99.0	99.0	99.0	1.0
Total,	.7	8.4	49.8	84.4	92.8	95.9	97.6	98.8	99.3	99.5	.5

(Page 54.)

Table XIX.

Weekly Rates: by Establishments (Cumulative) (Five-and-Ten Cent Stores, Regulars).

Establishments	Per Cent. of Workers with Weekly Rates of—										
	Under $3.	Under $4.	Under $5.	Under $6.	Under $7.	Under $8.	Under $9.	Under $10.	Under $11.	Under $12.	$12 and over
No. 23,	—	—	—	56.8	80.0	90.5	94.2	97.9	98.9	98.9	1.1
No. 24,	—	—	11.1	66.7	90.7	94.4	96.3	98.1	100.0	100.0	—
No. 25,	—	—	—	61.6	93.2	95.9	98.6	98.6	100.0	100.0	—
No. 26,	—	—	9.9	78.2	93.1	98.0	99.0	99.0	99.0	99.0	1.0
Total,	—	—	3.8	64.1	86.8	93.8	96.4	98.3	99.3	99.3	.7

(Page 56.)

Massachusetts Minimum Wage Commission. Bulletin No. 8. September, 1915. Wages of Women in the Paper Box Factories in Massachusetts.

Weekly wages differ conspicuously in different establishments. Table 4 shows that in three of the factories studied more than one-half of the women employed were paid less than $5 a week, while in two other factories not a single woman averaged less than that amount. In one establishment no girl averaged as much as $8 a week. (Page 22.)

TABLE 4.

Average Weekly Earnings: by Establishments. (Cumulative).

Establishments.	PER CENT. OF WORKERS EARNING—							
	Under $3.	Under $4.	Under $5.	Under $6.	Under $7.	Under $8.	Under $9.	$9 and over.
No. 1,	.3	1.5	7.9	16.4	33.9	54.4	64.9	35.1
No. 2,	27.7	51.1	67.0	80.9	89.4	99.5	100.0	—
No. 3,	—	10.3	34.1	53.0	69.7	80.0	89.2	10.8
No. 4,	4.4	36.1	50.8	62.8	73.8	88.0	95.6	4.4
No. 5,	2.7	15.1	27.4	32.2	37.0	56.2	65.8	34.2
No. 6,	2.1	18.6	37.1	49.3	72.1	85.0	91.4	8.6
No. 7,	.8	16.4	46.1	53.1	64.1	72.7	86.7	13.3
No. 8,	2.4	13.5	33.3	54.0	70.6	86.5	98.4	1.6
No. 9,	—	2.0	10.2	35.7	63.3	80.6	94.9	5.1
No. 10,	19.8	44.2	58.1	76.7	86.0	95.3	98.8	1.2
No. 11,	—	1.2	26.7	51.2	66.3	80.2	89.5	10.5
No. 12,	5.9	7.4	10.3	13.2	29.4	51.5	70.6	29.4
No. 13,	—	1.6	4.9	27.9	55.7	68.9	82.0	18.0
No. 14,	2.1	29.8	44.7	57.4	80.9	89.4	100.0	—
No. 15,	2.2	10.9	28.3	54.3	78.3	93.5	100.0	—
No. 16,	5.4	18.9	32.4	67.6	89.2	100.0	100.0	—
No. 17,	2.8	5.6	5.6	13.9	33.3	77.8	86.1	13.9
No. 18,	—	3.0	12.1	36.4	60.6	75.8	81.8	18.2
No. 19,	3.6	7.1	10.7	28.6	42.9	60.7	78.6	21.4
No. 20,	—	—	—	7.4	18.5	44.4	74.1	25.9
No. 21,	—	—	3.7	14.8	22.2	44.4	63.0	37.0
No. 22,	—	—	—	3.8	34.6	53.8	80.8	19.2
No. 23,	—	—	23.5	41.2	76.5	82.4	94.1	5.9
No. 24,	—	—	17.6	58.8	64.7	76.5	88.2	11.8
Total,	4.6	16.1	30.2	44.5	60.4	75.7	85.4	14.6

(Page 29.)

TABLE 5.

Weekly Rates: by Establishments. (Cumulative).

Establishments.	PER CENT. OF WORKERS WITH WEEKLY RATES OF—							
	Under $3.	Under $4.	Under $5.	Under $6.	Under $7.	Under $8.	Under $9.	$9 and over.
No. 1,	—	—	—	4.8	7.9	28.6	49.2	50.8
No. 2,	—	11.1	66.7	66.7	77.8	83.3	100.0	—
No. 3,	—	—	—	64.8	79.6	85.2	92.6	7.4
No. 4,	—	1.0	64.7	74.5	85.3	90.2	93.1	6.9
No. 5,	—	10.7	35.7	62.5	71.4	73.2	78.6	21.4
No. 7,	—	—	20.0	81.3	92.0	94.7	97.3	2.7
No. 9,	—	—	8.8	23.5	55.9	73.5	91.2	8.8
No. 10,	—	38.1	47.6	61.9	76.2	90.5	95.2	4.8
No. 12,	—	—	—	—	—	—	—	100.0
No. 13,	—	—	—	—	—	57.1	85.7	14.3
No. 14,	—	—	47.1	70.6	70.6	100.0	100.0	—
No. 18,	—	—	8.3	8.3	16.7	58.3	83.3	16.7
No. 19,	—	—	—	—	—	—	—	100.0
Total,	—	3.6	29.0	54.9	65.9	76.2	84.8	15.2

NOTE: Data concerning rates were not available for Establishments Nos. 6, 8, 11, 15, 16, 17, 20, 21, 22, 23, 24.

(Page 30.)

Massachusetts Minimum Wage Commission, Bulletin No. 9. September, 1915. Wages of Women in Women's Clothing Factories in Massachusetts.

In Table 4 the establishments manufacturing dresses and waists and the establishments manufacturing cloaks, suits and skirts are grouped separately, and a comparison is afforded of the two groups as well as of the various establishments. The dress and waist firms pay lower wages, as shown by the fact that 52.2 per cent. of the workers in those establishments earned less than $6 a week, as against 37 per cent. of the cloak, suit and skirt workers who earned less than that amount. The cloak, suit and skirt work is in general more skilled, and the wages are doubtless also influenced by the greater degree of organization among the employees. Among the dress

and waist firms there is a variation from an establishment which paid 87.7 per cent. of its workers less than $6 a week to one in which only 12.9 per cent. of the women employees earned less than that amount. These variations depend in part upon the location (whether in large or small cities), partly upon the kind of product, and partly upon the degree of unionization. At the same time, establishments situated in practically the same locality and depending upon the same sources of labor supply are shown to pay widely differing scales of wages, a fact which shows the slight basis upon which the ordinary competition arguments rest.

Corresponding variations are found in the table (Table 5) in which the weekly rates of the establishments in the two groups are described. The factories in the two groups differ in the general level, although the dress and waist firms do not fall so far behind as in the table showing earnings. (Pages 18-19.)

Table 4.

Average Weekly Earnings: by Establishments. (Cumulative).

Dress and Waist.

Establishments.	Per Cent. of Workers Earning—							
	Under $3.	Under $4.	Under $5.	Under $6.	Under $7.	Under $8.	Under $9.	$9 and over
No. 1,	14.2	44.2	66.4	81.9	90.3	96.0	98.2	1.8
No. 2,	1.9	10.3	27.1	51.6	63.9	78.7	86.5	13.5
No. 3,	0.9	1.7	14.7	45.7	69.0	86.2	89.7	10.3
No. 4,	1.7	15.7	41.7	71.3	86.1	92.2	97.4	2.6
No. 5,	2.7	17.1	36.0	55.0	68.5	89.2	95.5	4.5
No. 6,	10.1	28.1	46.1	58.4	74.2	83.1	94.4	5.6
No. 7,	1.2	2.4	3.5	12.9	21.2	44.7	76.5	23.5
No. 8,	7.3	19.5	37.8	59.8	65.9	79.3	84.1	15.9
No. 9,	—	2.7	6.7	13.3	25.3	50.7	74.7	25.3
No. 10,	6.9	18.1	27.8	51.4	76.4	84.7	93.1	6.9
No. 11,	2.9	11.6	44.9	68.1	76.8	82.6	91.3	8.7
No. 12,	20.0	46.2	70.8	87.7	98.5	100.0	100.0	—
No. 13,	3.2	7.9	14.3	30.2	50.8	68.3	82.5	17.5
No. 14,	1.7	8.5	16.9	33.9	40.7	57.6	74.6	25.4
No. 15,	—	—	13.8	37.9	67.1	84.5	89.7	10.3
No. 16,	4.2	14.6	31.3	45.8	58.3	79.2	93.8	6.2
No. 17,	—	4.7	18.6	39.5	65.1	79.1	88.4	11.6
No. 18,	—	8.3	16.7	27.8	44.4	66.7	75.0	25.0
No. 19,	5.7	20.0	37.1	54.3	68.6	82.9	88.6	11.4
No. 20,	—	—	—	13.3	26.7	50.0	66.7	33.3
No. 21,	—	6.7	16.7	23.3	36.7	50.0	90.0	10.0
No. 22,	10.3	17.2	44.8	65.5	79.3	86.2	89.7	10.3
Total,	5.1	17.0	33.2	52.2	66.2	79.7	89.2	10.8

Cloak, Suit and Skirt.

No. 23,	—	2.1	18.3	25.0	31.3	52.1	66.7	33.3
No. 24,	—	—	16.9	10.3	24.1	37.9	55.2	44.8
No. 25,	—	7.4	18.5	40.7	44.4	66.7	81.5	18.5
No. 26,	—	—	19.2	38.5	53.8	61.5	73.1	26.9
No. 27,	—	3.8	30.8	50.0	53.8	65.4	84.6	15.4
No. 28,	—	—	20.0	50.0	75.0	95.0	95.0	5.0
No. 29,	—	—	10.0	35.0	60.0	80.0	90.0	10.0
No. 30,	—	6.3	31.3	50.0	75.0	87.5	93.8	6.2
No. 31,	6.3	6.3	18.8	31.3	81.3	81.3	87.5	12.5
No. 32,	—	—	18.2	36.4	54.5	54.5	81.8	18.2
No. 33,	9.1	18.2	54.5	54.5	81.8	90.9	90.9	9.1
No. 34,	9.1	18.2	27.3	45.5	63.6	90.9	90.9	9.1
No. 35,	12.5	25.0	62.5	75.0	75.0	87.5	100.0	—
No. 36,	—	—	—	—	—	100.0	100.0	—
Total,	1.5	4.4	20.0	37.0	52.6	67.8	79.6	20.4
Total of all establishments,	4.6	15.2	31.4	50.1	64.4	78.1	87.9	12.1

TABLE 5.

Weekly Rates: by Establishments. (Cumulative).

Dress and Waist.

Establishments.	PER CENT. OF WORKERS WITH WEEKLY RATES OF—							
	Under $3.	Under $4.	Under $5.	Under $6.	Under $7.	Under $8.	Under $9.	$9 and over.
No. 1,	—	16.9	45.8	68.9	82.5	91.5	98.3	1.7
No. 2,	—	2.2	6.7	31.1	48.9	68.9	80.0	20.0
No. 3,	—	—	—	2.4	33.3	69.0	88.1	11.9
No. 4,	—	—	23.5	64.7	85.3	88.2	94.1	5.9
No. 5,	—	12.0	32.0	48.0	64.0	72.0	72.0	28.0
No. 6,	—	—	—	38.7	74.2	80.6	90.3	9.7
No. 7,	—	—	2.4	2.4	10.6	22.4	38.8	61.2
No. 8,	—	4.4	8.9	35.6	75.6	88.9	91.1	8.9
No. 9,	—	—	1.5	10.4	11.9	19.4	34.3	65.7
No. 11,	2.4	4.8	7.1	26.2	45.2	59.5	73.8	26.2
No. 12,	—	—	25.0	25.0	62.5	100.0	100.0	—
No. 13,	—	—	—	5.7	5.7	25.7	42.9	57.1
No. 15,	—	—	—	9.1	36.4	45.5	54.5	45.5
No. 16,	—	—	12.0	48.0	64.0	76.0	88.0	12.0
No. 17,	—	—	—	3.4	27.6	48.3	65.5	34.5
No. 18,	—	—	11.1	11.1	55.6	55.6	77.8	22.2
No. 19,	—	—	—	33.3	44.4	66.7	66.7	33.3
No. 20,	—	—	—	—	42.9	85.7	100.0	—
No. 21,	—	—	—	12.5	25.0	43.8	50.0	50.0
No. 22,	—	—	—	—	—	75.0	75.0	25.0
Total,	.1	5.1	15.5	32.6	49.7	63.5	74.3	25.7

Cloak, Suit and Skirt.

No. 23,	—	—	9.1	9.1	31.9	45.5	45.5	54.5
No. 24,	—	—	—	—	11.1	33.3	61.1	38.9
No. 25,	—	—	—	3.7	25.9	33.3	44.4	55.6
No. 26,	—	—	—	14.3	50.0	50.0	71.4	28.6
No. 27,	—	—	7.7	26.9	42.3	53.8	57.7	42.3
No. 28,	—	—	—	—	—	30.0	60.0	40.0
No. 29,	—	—	—	—	6.7	26.7	60.0	40.0
No. 30,	—	—	—	—	7.7	53.8	92.3	7.7
No. 31,	—	—	—	—	—	20.0	40.0	60.0
No. 32,	—	—	—	9.1	18.2	36.4	36.4	63.6
No. 33,	—	—	—	—	33.3	50.0	66.7	33.3
No. 34,	—	—	—	—	28.6	71.4	85.7	14.3
No. 35,	—	—	—	14.3	42.9	71.4	85.7	14.3
Total,	—	—	2.0	7.1	23.0	41.8	58.7	41.3
Total of all establishments,	.1	4.0	12.7	27.3	44.2	59.0	71.0	29.0

NOTE: Data concerning rates were not available for Establishments Nos. 10, 14 and 36.

(Page 28.)

Report of the Massachusetts Commission on Minimum Wage Boards, 1912. House Document No. 1697.

Examination of the findings of our own investigators, however, shows that the lowest range of wages is less uniformly distributed within an industry than the statement of an average would suggest. For instance, in the candy industry, with its 41 per cent. of adult women receiving less than $5 a week, a comparison of wage rates in 11 different establishments shows that the lowest wages are confined to four factories, in one of which, indeed, 53.3 per cent. of the employees received less than $5, while the other seven factories paid not one single employee of 18 or over so low a wage. The difference between these factories in the kind and the grade of their product cannot account for the differences in the wage scale, as both the higher and the lower wage scale prevailed in the factories manufacturing the cheaper line of confectionery.

Similar differences between different establishments were found in the stores and the laundries. In the stores, indeed, the large and presumably prosperous establishments of Boston in many cases paid a lower wage than was paid in some of the small suburban establishments, and lower wages than were paid in Brockton or Springfield. (Pages 11-12.)

There is a common and widespread but erroneous view that such legislation is an attempt to provide by government that low paid workers shall receive more than they earn; that it runs counter to an economic law which, by some mysterious but certain process, correlates earnings and wages. There is no such law; in fact, in many industries the wages paid bear little or no relation to the value or even to the selling price of the workers' output. Wages among the unorganized and lower grades of labor are mainly the result of tradition and of slight competition. (Page 18.)

A comparison of the first six factories shows that a manufacturer can pay for unskilled adult woman labor about what he chooses to offer. These factories are competing in practically the same labor market. They are

making more or less the same grade of goods. (Page 58.)

Comparisons, moreover, between individual factories whose wholesaling prices are nearly the same show a very marked contrast in wage scales. The wage scale, apparently, does not differ with the grade of goods made, but with the policy of the manufacturer in hiring labor. The undercutting of wages by the unscrupulous manufacturer at the expense of the defenseless working woman is evidently as common here as it was in Australia before the establishment of minimum wage boards.

It is a question whether the manufacturers, either those who undercut or those who do not, deliberately adopted their wage scale. The majority had vague ideas about the general scale or the earnings of their individual employees. Probably the undercutting manufacturers had simply put pressure on their superintendents to hold down the payroll, without knowing how it was done or its effect on the efficiency of the force or on the individual. (Pages 58-59.)

The worker in the large establishment is dealt with by the owner through his superintendent; an order goes out to decrease the amount spent for wages and the latter puts it into effect. . . . This is an admission that workers are not paid less in one place than in another because they are worth less or need less, but simply because the employer, engrossed in financing his business and extending it, in buying materials advantageously, and in keeping to the front in methods of manufacture, forgets that his payroll represents individual men and women who can be developed so that they will become, by their efficiency and health, increasingly profitable or who can be sucked of their value and thrown on the junk heap to be cared for by society. It is a question whether the State, for self-preservation in this period of large scale industries, should not insist on a substitute for the old-time personal relation between man and master, to secure to all workers at least what the well-intentioned manufacturer, close to his workman, feels that he should and can pay. (Page 60.)

No Present Standards of Wages.—United States

One of the objections to a minimum wage is that it would put the manufacturers and merchants of Massachusetts at a disadvantage with outside competitors by lifting the lower end of their wage scale. Yet the following tables show that competitors in the same locality are now succeeding under very diverse wage scales, which are determined by the policy of the various stores in hiring labor. It is quite true that a store that now maintains itself by paying low wages, or that greedily makes unfair profits by doing so, would be seriously affected by a minimum wage that would scarcely touch other stores.* (Page 117.)

Fourth Report of the New York State Factory Investigating Commission, 1915, Vol. I. Report of Commission.

In going over the reports it is apparent that these industries are in a chaotic condition as relates to standards of wages and regularity of employment. Both wages and irregularity of employment testify to this. There appears to be no wage standard throughout these trades. In one factory paper cutters were receiving from $10 to $15, while in another factory they received for the same kind of work $15 to $20. The laborers in one candy factory received $8 or over, and in another they received less, and never more. In New York City the rate for a certain line of work in shirt making was from 1 to 5 cents a dozen. In another city for a slightly better grade of work 5 to 10 cents a dozen. Some of the manufacturers were amazed at the low price paid for this labor and would not believe it until confronted by the facts. (Pages 39-40.)

Ibid. Vol. II. Appendix IV. Mercantile Establishments.

We should expect that rates would vary from place to place, throughout the state. This is brought out in Table 3 of the statistical appendix. For instance, it is

*For earlier figures similar to those given on pages 148-168, see op. cit., pages 117-119; 160-162.

there shown that whereas in New York City 15% of the female help is paid less than $5 and 27% $10 or over, in the smaller cities only 11% of the female employees are paid under $5 and 26% are paid $10 or more. (Pages 24-25.)

It is also true that the rates vary for different classes of establishments. The following proportions of all persons of each sex receiving rates below $8 may serve to illustrate:

	Males	Females
Department Stores	14.4%	52.6%
Neighborhood Stores	21.5%	68.4%
5 and 10 Cent Stores	20.9%	98.8%

It is also well known that rates for the same occupation in similar stores vary. Take for example the following distribution for saleswomen in two large department stores in Manhattan:

	Under $5	$5-$9.99	$10-$14.99	$15 & Over
Establishment A	6%	85.2%	12.7%	1.6%
" B	——	14.3%	43.9%	41.8%

To be sure, there is some difference in the ages of the women and in the lines of goods sold. But if two stores in the same community can do business upon such a different wage scale, many of the advantages of high and of low paid help must be purely a matter of preference with the firms. (Pages 70-72.)

It should be noted that these figures do not include extra or part time help. . . . These rates are lower than those for the same proportions of all employees previously enumerated. (Page 70.)

Ibid. Vol. II. Appendix IV. The Paper Box Industry.

In few factories is there any exact record of the production for time workers. The weekly rates are therefore generally fixed by guess work, and vary considerably within the same establishment without apparent reason.

Neither is there often a systematic determination of piece rates, although in a few places some attempt has been made to standardize piece rates or at least to get the employees to take an intelligent part in the process. Thus, one factory, whose product is to a large extent stable, varies its piece rates according to the price it obtains for the product. In another factory, whose operation is very steady, but whose products vary greatly, new articles are given to three workers chosen as slow, ordinary, and speedy operators. Their production for a given time is averaged, and the piece rate is set on the basis of this average. This method seems to work very satisfactorily. (Pages 237-238.)

But even within the same immediate locality there are wide divergences in rates paid for similar work. For instance, one Brooklyn factory pays its cutters $10-$15; another $15-$20. The product in both instances is of the same class. These discrepancies are found throughout the trade. Sometimes steadiness of work, type of management or character of employees will help explain the differences. In other cases they appear to be due to relative knowledge and skill in bargaining on the part of employer and employee. Even those who do the same kind of work in a shop are sometimes on a different scale of wages. (Page 243.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV. The Confectionery Industry in New York State.

There are also great differences in wages for work that is apparently the same. Some firms pay consistently 25 per cent. more than their rivals for similar operations. For instance, in one wholesale candy factory no ordinary male laborer receives as much as $8 per week; in another of the same general type every such person receives over $8. In the former plant no female packer receives as much as $5.50 per week, nor any hand dipper as much as $8. In the other establishment the majority of women workers in such lines exceed these rates. These divergencies extend to ma-

chine processes of identical character. Difference in grade of product may in part explain such variations; but certain factories have the reputation of paying wages considerably below or above current rates. (Page 312.)

Ibid. Vol. II. Appendix IV. Wages in the Millinery Trade.

That the experience of the employer or the casual observation of the forewoman is a sufficiently accurate method of determining wage rates, seems to be the common belief in the trade, but, after all, it is but the rule-of-thumb method which the efficiency engineers are trying to persuade manufacturers in other industries to abandon in favor of more scientific plans for keeping individual records. Of course, for piece workers, the earnings are determined by the number of hats they trim, but the same hit-or-miss method applies here in the fixing of rates per piece. In fact our questions about methods of determining rates of pay, and plans for promotion, usually puzzled the employers. Their most frequent reply was that it was impossible to standardize wages in millinery. It is probable that this was really a confession of failure to grapple with the problem.

As might be expected from this chaotic method of bargaining, the wage scales vary greatly from firm to firm even in the same branch of the trade. . . . The median is $6.25 in one wholesale shop and $12.50 in another, $5 in one retail establishment and $13.58 in another. This difference between different firms is one of the most important facts brought out in this as in other wage studies. It indicates the need for some method of determining fair standards of remuneration and enforcing them uniformly in the same trade in the same locality, exactly as hours of work and sanitary conditions can be standardized to the advantage of all firms, whose plane of competition is thus established. (Page 429.)

United States Congress. Senate Document No. 645. Report on Condition of Woman and Child Wage Earners in the United States. Vol. II. Men's Ready-Made Clothing. 61st Congress, 2nd Session, 1911.

In a study of earnings by occupations in the manufacture of clothing it is well to call attention to one feature—the absence of what might be called a standard wage in the industry. This is true of both men and women, and of both piece and time workers. Examining the weekly rates in the same occupation, the workers in a given employment are found distributed according to their earnings over a wide range in the wage scale. Examining the earnings of piece workers, their earnings are found to be similarly differentiated. Wages where paid by the week are fixed in the trade either according to the efficiency or capacity for bargaining of the worker, or by an arbitrary determination, and not according to a particular time rate. Piece rates similarly allow for very considerable variation in earnings.

A few illustrations may be given of the earnings of women. There are available data for 32 female edge basters 21 years and over working by the week in coat shops; their average computed earnings for a full week are $9.17. Of these the largest number, 11, earn $9 to $10, 5 earn $7 to $8, 5 others $7 to $9, and 4 earn $11 to $12. The earnings of those 18 to 20 years of age are similarly distributed over a range of $4.

Thirty-five female buttonhole makers at 18 to 20 years of age, working by the piece, average in a full week $10.34. Seven earn between $7 and $8, 5 between $8 and $9, 6 between $9 and $10, 3 between $10 and $11, and 3 between $11 and $12. These illustrations are chosen because the work done is similar. (Page 194.)

Ibid. Vol. III. Glass Industry.

The variations in the wage rates paid by different factories for the same work are frequent and great. In each occupation listed, except that of washing, the high-

est wage paid by the establishments at one extreme is at least double that paid by the establishment at the other extreme, and in the excepted occupation of washing the variation is little short of 100 per cent. In grinding the variation is particularly great, the difference between 6.2 cents an hour and 15 cents an hour being, on a 58-hour per week basis, the difference between $3.60 a week and $8.70 a week. (Page 408.)

United States Congress. Senate Document No. 645. Report on Condition of Women and Child Wage Earners in the United States. Vol. XVIII. Employment of Women and Children in Selected Industries. 61st Congress, 2nd Session, 1911.

. . . Apparently the wages of women in factory industries are very largely unstandardized. In general they are low, but the degree of their lowness seems not to vary so much with the character of the work done as with the custom of a given industry, or, more accurately, of a given employer, for earnings within a given industry varied widely from one establishment to another. (Page 24.)

Confectionery.

The variations in the wage level for the same age groups in various states are suggestive. In general it seems safe to assume that by the time a woman is 18 years of age she has gained whatever industrial value she is likely to have in such mechanical processes as those in which she is engaged in a candy factory. And since the work done by women in candy factories does not differ greatly in character from state to state, it also seems a reasonable assumption that the value of a woman aged 18 years and over would be approximately the same to her employer whether she worked in Massachusetts or in Maryland, in Georgia, or in Wisconsin. Yet, as the following table shows, the difference in proportion earning even so moderate a wage as $6 is marked.

Per Cent. of Female Workers Aged 18 Years and Over in Specified Earnings Groups, by States—Confectionery.

	Number	Per cent. with weekly earnings of			
		Under $5	Under $6	Under $8	$10 and over
Massachusetts	506	25.5	54.2	86.4	3.8
New York	370	30.5	56.5	84.3	3.5
Pennsylvania	248	41.5	61.7	91.1	.8
Ohio	156	41.7	65.4	89.1	1.3
Indiana	63	65.1	79.4	90.5	1.6
Wisconsin	136	70.6	85.3	97.1	1.5
Maryland	73	71.2	83.6	94.5	4.1

(Pages 135-136.)

. . . Such wide variations indicate a total lack of standardization in wages. There seems to be no recognized wage level which a worker of given age and ability may hope to attain. What she gets appears to depend partly upon her own bargaining powers, partly upon the prevailing sentiment of the community as to what wages should prevail, and most of all upon the attitude of her individual employer.

The female workers in the confectionery industry are largely unskilled, they are usually young, to a considerable extent they are foreigners, and they are unorganized. Consequently they are peculiarly unable to have any effective voice in fixing their wages. They take what they can get and, at least in the establishments covered by this investigation, the majority were plainly getting less than a living wage. (Page 136.)

Tobacco and Snuff.

. . . The lack of any standard of wages in the industry. In one factory an employer declares he does not want and will not keep a woman who after a reasonable novitiate cannot make herself worth at least $6 a week; in another, the woman who earns $6 is a decided exception. The wages paid are practically a factory matter,

and vary as widely as the sanitary and hygienic conditions under which the work is carried on. (Page 321.)

Report of the Social Survey Committee of the Consumers' League of Oregon on the Wages, Hours and Conditions of Work and Cost and Standard of Living of Women Wage-Earners in Oregon, with Special Reference to Portland. CAROLINE J. GLEASON. *Portland, Oregon, 1913.*

Owing to the lack of organization among women workers and the secrecy with which their wage schedules are guarded, there are absolutely no standards of wages among them. Their wages are determined for the most part by the will of the employer without reference to efficiency or length of service on the part of the worker. This condition is radically unjust. (Page 6.)

Efficiency is certainly not the standard according to which the majority of workers are paid. This was evidenced (1) by the dismissal of highly paid, experienced employees and the employment of young, inexperienced substitutes; (2) by the reduction of rates on piecework when employees had reached a certain earning capacity; (3) by the fact brought out again and again, that though employees were retained for years of service, though their efficiency increased with time, they found it an impossibility to keep their position and bring their wages above a certain low figure. (Pages 23-24.)

One of the greatest complaints to be found with the large department store management is that as far as anyone can find out, they have no system of advancement of employees. Amount of sales, increase or decrease, is watched, to be sure, but apparently only to dismiss the employee if he or she does not come up to a certain standard. When the regulation of wages is left to the head of each department, the demand that the returns from the department be kept at a certain figure is likely to result (for men and women alike) in the dismissal of competent, high-paid clerks, or reduction of their wages. . . .

A rule existing, written or unwritten, in all the larger stores, is that the girls must not tell others what wage they are getting. Divulging this information has re-

sulted in instant dismissal. One firm goes so far as to require a signed promise from the girl that she will not tell any other employee her wage. (Page 26.)

Artificial Flower Makers. MARY VAN KLEECK. *Russell Sage Foundation Publication, New York, 1913.*

The fixing of the wage seems indeed to be a matter of chance. It was described by a forewoman, who said that although a definite percentage of the price of the flower was always allowed for salesmen's pay and firm's profits, the wage rate was determined by the forewoman's guess. She made it as low as possible without causing a spontaneous uprising in the workroom. As no trade union has been developed to force flower manufacturers to adopt a definite wage scale, it is inevitable that variety and fluctuation should characterize the earnings of flower makers. (Page 67.)

We have seen, too, that chance seems to control the wage scale. Processes vary and piece-work earnings must be readjusted with each change in the product. The workers, unstable as they are likely to be and heterogeneous in nationality, have never succeeded in organizing a trade union to compel forewomen or employers to consider their interests in the wage bargain. Furthermore, for every worker in the shop at least one woman or child is working at home, members of a scattered industrial group without the least sense of common interests or power to ask for higher pay. All these uncertain elements influence wages and prevent the establishment of a standard. Until wage standards of some kind are recognized, personal efficiency will not be properly rewarded. Until conditions in the trade are so changed that adequate payment will be made for work well done, skill will be increasingly rare. (Page 218.)

Women in the Bookbinding Trade. MARY VAN KLEECK. *Russell Sage Foundation Publication. New York, 1913.*

In making comparisons of rates of pay in different establishments, possible differences in grade of work

must be carefully noted. It is fair, however, to compare the rate per hour for such comparatively uniform work as filling the boxes of the gathering machine. Some binderies pay 15 cents an hour for this work, some 17½ cents, and some 18 cents. A difference of 3 cents an hour in a forty-eight-hour week amounts to $1.44, not a small sum in the eyes of a low-paid worker. Information given both by workers and employers indicate a difference of 50 per cent. in the rate for hand folding in different binderies, one employer paying 1 cent per 100 sheets, folded once, and another paying a cent and a half. One worker who was employed in several binderies in quick succession said that for a large "two-fold" she received 2 cents per 100 in one bindery, and 3 cents per 100 in another, the size and grade of paper being the same. For folding a circular, "four-fold and cut," she received 5½ cents per 100 in one bindery, and 6½ cents in another. For gathering and collating magazines she said that the rate in one bindery was 1 cent per 100 signatures, and in another three-quarters of a cent. (Pages 82-83.)

Some Aspects of the Minimum Wage. H. A. Millis. *Journal of Political Economy, February, 1914.*

One of the most striking facts brought out in all the investigations of trade and industry is that there is no well-defined level of women's wages in a given branch of employment. There is no standard. The scales differ greatly from one establishment to another either because of mismanagement and antiquated methods which do not permit some of the employers to pay more and make a profit, or because the employers exploit their laborers for an unusual gain. In either case, wages may be pushed down because of the absence or weakness of unions, the immobility and ignorance of the women, and the fact that there is an easy entrance to, but a congested exit from, the unskilled labor supply in which they find a place. (Pages 138-139.)

The Establishment of Minimum Rates in the Tailoring Industry Under the Trade Boards Act of 1909. R. H. Tawney. *The Ratan Tata Foundation, (University of London). Bell, London, 1915.*

It is evident that, though the rates obtaining in Leeds and Manchester are still considerably higher than those obtaining in parts of the south, yet the margin between them has been reduced by the Trade Board. It is evident also, however, that the only reason why the industry should move from the latter districts to the former is the actual inability of the southern employers to pay more. If such inability does not in fact exist, if, for example, the low wages of women in the eastern counties and in some branches of the trade in London are due to some other cause than that employers cannot pay more without going out of business, or if an advance in wages results in changes which tend to neutralise the additional cost which the advance imposes, there is obviously no reason why any serious dislocation should result from the fact that the Trade Board has compelled about one-third of the firms in the industry to pay higher rates than hitherto. Now, paradoxical though it may sound, both these contingencies are really not contingencies, but facts. An examination of the local variations of wages in the tailoring trade suggests that they bear little, if any, relation to the comparative resources of the industry in different localities. (Pages 107-108.)

If, as appears to be the opinion of persons with practical experience, the difference in wages in different districts is not to be explained by different facilities for carrying on the industry, to what is it due? It is due, it is often said, to custom, and it is quite true that custom plays a larger part in industry than is always realised. But behind the different customary wage-levels stand real differences in the strategic position of women workers in different parts of the country. As far as women at any rate (and, indeed, the more poorly paid section of men) are concerned, there is no such thing as that which used sometimes to be described as "a general rate of wages". (Page 110.)

The prevalence of a low rate of wages in one district in which an industry is carried on is not in itself a proof that the industry in that district cannot pay more, or would suffer if wages were raised. The prevalence of a high rate of wages in that part of the same industry which is carried on in another district is not a proof that the industry can afford to pay more than it can in the district where low wages are paid. (Page 111.)

These general considerations appear to be confirmed by the circumstances of the tailoring trade. If one examines the local variations of wages in that industry, what one finds is that, while the same kinds of clothing are made in several different parts of the country, earnings for the same work vary enormously according to the district in which it is carried on. These variations correspond roughly to two factors—first, the opportunities open for other kinds of female employment; second, the character of the employments pursued by men. In Hebden Bridge and Leeds women earn 4d to 6d an hour for work on which in London or East Anglia they used, before the Trade Board's determination, to earn 2½d, for in Leeds and Hebden Bridge the woollen or cotton mills offer abundant employment for women, and employers must see that they earn fairly good wages in order to secure their services. In Manchester they earn 3½d to 5d, for they live in a district where there is a keen demand for women as cotton weavers. The far lower earnings of tailoresses in the eastern counties and in London are not due to the fact that the industry there is of a different kind, but are caused by the general industrial character of those districts. In the eastern counties men's wages are low; there is a large agricultural population within easy reach of Colchester and Norwich; because men's wages are low, large numbers of their wives and daughters have to supplement the family income, and women's labour is cheap. In London there are, of course, many highly paid male workers. But in East London there is a vast body of workers, including probably some 20,000 engaged about the docks alone, whose annual earnings are low, because,

whatever their hourly rate, their employment is irregular. The presence of this mass of precariously employed and ill-paid male labour causes the organisation of many, though not all, firms in the tailoring trade in London and in the East Anglian centres of the industry to be different from that which obtains in the north. (Pages 111-113.)

What happens in fact is that wages are lower in certain districts than in others, not because the industry cannot afford to pay as much in the former as in the latter, but because the conditions in other industries—in London, in particular, dock labour—are such that women are obliged to work on any terms that they can get. (Page 115.)

The State and the Minimum Wage in England. John A. Hobson. *The Survey, February 6, 1915.*

The most important change in the character and direction of the social reform movement in Great Britain within the last two years has been the emergence of the legal minimum wage as the chief direct object of practical endeavor. . . .

The experiment has proved successful even beyond the expectation of the promoters. The general practice has been to level the wage for the whole trade in each district up to the standard of the best employer in that district. One of the evils of these sweated trades had been the wide discrepancy of rates as between one firm and another, one town and another. This leveling-up process has raised the rates in many instances as much as 100 per cent. or more. Sweating always implies inefficiency both of the work done and of the business management. One of the first effects of the trade board was to give publicity to the actual conditions. Another was to bring the various employers for the first time into touch with one another and to oblige them to consult together for the conduct of their trade. The worse employers thus learned from the better that higher wages need not ruin them. . . . (Page 503.)

(2) Wages and Irregularity of Employment.

Regularity or irregularity of work determines the earnings of the workers. Irregularity of employment with consequent loss of wages is found in various degrees and of various kinds in almost all industries. Such irregularity may entail long or short periods of unemployment. In many industries workers are completely dropped from the payrolls during several months each year, owing to seasonal fluctuations of work. Or they may be temporarily laid-off during the dull season, or employed "short time," that is, a few hours each day or on only some days in the week.

Irregularity of work, with consequent loss of pay, is due sometimes to bad management, whereby the workers are kept waiting or dismissed early for lack of materials or through breakdowns of the machinery.

Besides these industrial causes, there are also personal causes for irregular employment. Chief among these are sickness of the employee, looking for work or shifting between jobs in slack seasons.

Whatever its cause, the outstanding fact regarding irregularity of employment is its disastrous effect upon wages. Deductions for time lost in any way obviously reduce the actual earnings below the nominal rates of pay. Investigation proves that in many trades the workers' earnings customarily fall between 10 and 20 per cent. below their nominal weekly wages. This is true not of single extreme cases, nor in extraordinary seasons. It is true of regular steady workers in many representative industries, situated in various states. The wages of the

more irregular workers who are taken on at "rush seasons" fluctuate even more widely.

(a) THE DIFFERENCE BETWEEN NOMINAL RATES AND ACTUAL EARNINGS.

The weekly deficit in actual earnings as compared with nominal rates of pay has been shown in the preceding section, as part of the variation in different establishments. In the following tables, the deficit in actual earnings as compared with nominal rates is further illustrated, according to the occupation of the workers. Such deductions are most common among the lowest paid workers who are obviously least able to save in advance and maintain themselves while out of work.

A Living Wage by Legislation. The Oregon Experience. Rev. Edwin V. O'Hara, *Chairman, Industrial Welfare Commission of Oregon. State Printing Department, Salem, 1916.*

A point to bear in mind in all wage discussion is that there is an important difference between the wage rate and the contents of the pay envelope. Unemployment plays havoc with income. Some occupations seldom furnish a full week of employment; others have seasons of rush alternating with seasons when a large part of the working force is let off. In either case a worker whose *wage rate* while actually employed borders on the subsistence minimum will find her actual annual income far below her necessary cost of decent subsistence. An interesting item in the report on the result of the wage determinations in Oregon is that which shows that while the wage law caused an advance in the wage rate it resulted in a still more marked increase in the contents of the weekly pay envelope, indicating a tendency to regularize employment and to reduce the evils of unemployment. (Page 16.)

United States Public Health Service. Bulletin No. 76. March, 1916. Health Insurance: Its Relation to the Public Health. B. S. WARREN, *Surgeon, U. S. Public Health Service, and* EDGAR SYDENSTRICKER, *Public Health Statistician, U. S. Public Health Service.*

Irregularity of Employment.

Irregular employment in its relation to industry has been the subject of many investigations. Though these investigations have been made with other purposes in mind, they have shown that irregular employment has a very definite relation to the health of the workers both as a cause and effect of sickness.

Effects of irregular employment upon health.—The actual effects of irregular employment upon the health of workers, as observed by physicians and students of industrial conditions, are so familiar that they need not be discussed here at any length. The very fact that the income of a worker is uncertain has been found to be a cause of impaired physical efficiency. . . .

The effects of irregular employment are not limited to the physical impairment caused by worry and periodic overdriving. The lessened opportunity to earn wages caused by irregular employment or by physical disability means a smaller income and therefore a lessened ability to maintain a healthful standard of living. The earnings of workers whose rates of pay would be adequate to provide for healthful conditions of living if they could work steadily are often so reduced by irregular employment that a condition of poverty is the result. (Page 16.)

Unemployment as a factor in the public health problem.—There can be no doubt, therefore, that irregularity of employment as a condition which affects the wageworker's efficiency and the standard of living of his family is fundamentally related to the relief and prevention of disease among the industrial population. In the light of these considerations, irregularity of employment takes on a new significance for public health agencies.

This phase of the public health problem not only con-

cerns the State or the Nation as a whole, but it confronts every industrial community. The familiar statements and statistics of unemployment which almost annually appear from industrial centers and large urban localities are capable of an interpretation which is very significant from the standpoint of prevention of sickness. (Page 17.)

Industrial Conditions in Springfield, Illinois. A Survey by the Committee on Women's Work and the Department of Surveys and Exhibits, Russell Sage Foundation. June, 1916. Louise C. Odencrantz *and* Zenas L. Potter.

The incomes of work people are a matter of community concern because they fix to a very great extent the standard of living of workers' families. Within certain limits they determine the kinds of houses these families live in, the quality of the food they eat, the kinds of clothes they wear, the amounts they are able to put by for a rainy day, and they have a clear bearing upon the family's present and future problems of self-support and economic independence. They also set limits to the educational advantages which many workmen's children may enjoy. The incomes of wage-earners, therefore, particularly among the lower paid working people, are closely related to the community problems of housing, public health, compulsory education, child labor, and even charitable assistance.

Workmen's earnings, however, must be measured with two things in mind; not alone wage rates, but also the regularity of employment—not to mention a third consideration, the cost of living. The family of a man who earns a high hourly rate, for example, but whose work is irregular, may not be as well off as that of a man whose wage rate is lower but who has steady employment the year round. (Page 68.)

The importance of irregularity of employment as an industrial problem, while receiving attention from time to time is, nevertheless we believe, not generally appreciated. In fact, it is only when one begins to in-

vestigate irregular employment that it looms up in its real proportions, and one sees what a factor it is in determining the yearly income of wage-earners. A telling illustration of this fact is that out of the 272 wage-earners in the families of 100 Springfield workmen already referred to, one-fifth had not earned a cent the week previous to the date on which our information was gathered, while over a third had had irregular work during the whole of the preceding year. (Page 69.)

*Massachusetts Minimum Wage Commission. Bulletin No. 4, October, 1914. Wages of Women in the Candy Factories in Massachusetts.**

Table I. (a) and (c) afford a comparison of the actual weekly earnings of the candy workers as shown by the payroll entries of the amounts paid them each week of the year, and their weekly rates, or the amounts which they are scheduled to earn if they work for the maximum running time of the factory, do not come late, or leave before the factory closes, or incur fines or other deductions. The discrepancy is most striking in the case of the low-paid workers; only 1.2 per cent. of the total working force of all the factories were rated at less than $4 a week; yet the pay rolls show that 23.1 per cent., or nearly a fourth of the workers, actually averaged less than $4 a week for the year. Again, only 24.8 per cent. were scheduled to receive less than $5 a week, while about one-half (49 per cent.) really received less than that amount. Doubtless many of these conspicuous differences between the scheduled rates and the contents of

* In this and the following Massachusetts Bulletins, all records of persons who appeared on the pay roll for less than four weeks out of the fifty-two under consideration were thrown out. This was done in order that the conclusions reached might apply only to workers who could legitimately be considered a part of the normal working force of the industry. In computing weekly earnings the procedure for each individual was as follows: the sum of all payments made during the fifty-two week period, that is, the worker's total income from her work for the year, was found. This sum was divided by the number of weeks during which she was actually at work, as indicated by the number of weekly payments made to her. In this way her average weekly income for the time she was at work in the industry under consideration was ascertained.

the pay envelopes are to be explained by illness or carelessness and lack of interest on the part of the girls themselves. Some of the discrepancy is due to that element in the working force which is made up of girls who work only for two or three days in a week and then leave the factory, but a considerable factor in the situation is the shortage of factory work in the dull season, which sometimes requires, in addition to the general shutdown after Christmas rush and in July, the closing of departments for a day or two at a time. (Pages 21-22.)

TABLE 1 (*a*). CANDY FACTORIES.

Average Weekly Earnings: by Occupations.

Occupations.	PER CENT. OF WORKERS WITH WEEKLY RATES OF—															
	Under $4.		$4 and Under $5.		$5 and Under $6.		$6 and Under $7.		$7 and Under $8.		$8 and Under $9.		$9 and over.		Total.	
	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.
Dipping	101	12.8	131	16.7	124	15.8	131	16.7	141	17.9	114	14.5	44	5.6	786	100
Plain packing	105	17.8	162	27.5	142	24.1	103	17.5	42	7.1	22	3.8	13	2.2	589	100
Fancy packing	103	17.5	167	28.4	155	26.3	98	16.6	47	8.0	14	2.4	5	.8	589	100
Machine tending	78	22.7	109	31.0	95	27.6	45	13.1	11	3.2	4	1.2	2	.6	344	100
Floor work	140	48.1	74	25.4	54	18.6	17	5.8	6	2.1	—	—	—	—	291	100
Candy wrapping	67	23.5	73	25.6	56	19.7	44	15.4	12	4.2	16	5.6	17	6.0	285	100
Nut sorting	24	42.1	21	36.8	9	15.8	3	5.3	—	—	—	—	—	—	57	100
Miscellaneous	150	39.0	124	32.2	50	13.0	32	8.3	17	4.4	10	2.6	2	.5	385	100
Total	768	23.1	861	25.9	685	20.6	473	14.2	276	8.3	180	5.4	83	2.5	3,326	100

(Page 28.)

Table I. (c)

Weekly Rates: by Occupations.

Occupations.	Number and Per Cent. of Workers with Weekly Rates of—															
	$3 and Under $4.		$4 and Under $5.		$5 and Under $6.		$6 and Under $7.		$7 and Under $8.		$8 and Under $9.		$9 and over.		Total.	
	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.
Dipping	6	.8	124	15.8	109	13.9	109	13.9	153	19.5	200	25.6	82	10.5	783	100
Plain packing	—	—	116	20.0	198	34.2	118	20.4	82	14.2	41	7.1	24	4.1	579	100
Fancy packing	3	.5	95	16.3	203	34.7	140	24.0	95	16.3	37	6.3	11	1.9	584	100
Machine tending	2	.6	93	27.5	99	29.3	103	30.5	29	8.6	7	2.0	5	1.5	338	100
Floor work	5	1.7	175	60.4	67	23.1	32	11.0	9	3.1	2	.7	—	—	290	100
Candy wrapping	3	2.1	48	34.0	40	28.4	18	12.8	30	21.3	2	1.4	—	—	141	100
Nut sorting	—	—	21	65.6	10	31.3	1	3.1	—	—	—	—	—	—	32	100
Miscellaneous	20	5.2	112	29.3	125	32.7	65	17.0	43	11.3	13	3.4	4	1.1	382	100
Total	29	1.2	784	25.1	851	27.2	586	18.7	441	14.1	302	9.7	126	4.0	3,129	100

Note: Of the total 3,326 persons whose records were studied, weekly rates were not obtained for 197 persons, of whom 78 were piece workers and 16 were both time and piece workers.

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Massachusetts Minimum Wage Commission. Bulletin No. 5. October, 1914. Wages of Women in the Laundries in Massachusetts.

TABLE I. (a)

Average Weekly Earnings: by Occupations.

Occupations.	Number and Per Cent. of Workers Earning—															
	Under $4.		$4 and Under $5.		$5 and Under $6.		$6 and Under $7.		$7 and Under $8.		$8 and Under $9.		$9 and over.		Total.	
	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.
Shaking	153	34.5	148	33.3	115	25.9	25	5.6	3	.7	—	—	—	—	444	100
Marking and sorting	5	1.2	27	6.2	66	15.1	96	22.0	78	17.8	84	19.2	81	18.5	437	100
Hand ironing	3	.8	10	2.7	39	10.3	71	18.7	103	27.2	83	21.9	70	18.4	379	100
Catching and folding	22	6.8	89	27.4	146	44.9	53	16.3	12	3.7	2	.6	1	.3	325	100
Miscellaneous flat-work ironing	19	6.5	80	27.7	120	41.5	47	16.3	17	5.9	6	2.1	—	—	289	100
Feeding	10	3.7	67	25.3	130	49.1	39	14.7	18	6.8	—	—	1	.4	265	100
Starching and dampening	11	6.3	23	13.2	32	18.4	25	14.4	28	16.1	31	17.8	24	13.8	174	100
Collar ironing and finishing	1	.9	9	8.2	29	26.4	36	32.7	23	20.9	5	4.5	7	6.4	110	100
Body and sleeve ironing	3	3.3	4	4.3	12	13.0	17	18.5	25	27.2	16	17.4	15	16.3	92	100
Inspecting, shirt and coat folding	—	—	1	2.1	5	10.4	14	29.2	10	20.8	7	14.6	11	22.9	48	100
Sewing and mending	3	7.5	—	—	5	12.5	10	25.0	11	27.5	6	15.0	5	12.5	40	100
Cuff, neckband and yoke operating	—	—	—	—	7	21.2	13	39.4	8	24.2	3	9.1	2	6.1	33	100
Bosom press operating	—	—	—	—	—	—	2	7.4	7	26.0	9	33.3	9	33.3	27	100
Hand washing	—	—	—	—	—	—	6	35.3	4	23.5	5	29.4	2	11.8	17	100
Miscellaneous	12	4.3	40	14.2	79	28.1	59	21.0	49	17.5	27	9.6	15	5.3	281	100
Total	242	8.2	498	16.8	785	26.5	513	17.3	396	13.4	284	9.6	243	8.2	2,961	100

(Page 29.)

Table II.

Weekly Rates: by Occupations.

Occupations.	Number and Per Cent. of Workers With Weekly Rates of—															
	$3 and Under $4.		$4 and Under $5.		$5 and Under $6.		$6 and Under $7.		$7 and Under $8.		$8 and Under $9.		$9 and over.		Total.	
	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.
Shaking	5	1.1	177	40.1	137	31.1	99	22.4	21	4.8	2	.5	—	—	441	100
Marking and sorting	1	.2	3	.7	32	7.7	69	16.6	84	20.1	69	16.6	159	38.1	417	100
Hand ironing	—	—	—	—	3	.9	24	7.1	76	22.4	96	28.3	140	41.3	339	100
Catching and folding	—	—	20	6.3	123	38.6	128	40.1	40	12.5	7	2.2	1	.3	319	100
Misc. flat-work ironing	1	.3	39	13.5	63	21.9	122	42.4	44	15.3	18	6.3	1	.3	288	100
Feeding	—	—	6	2.3	91	34.5	124	47.0	35	13.2	6	2.3	2	.7	264	100
Starching and dampening	3	1.8	11	6.7	24	14.5	28	17.0	27	16.4	25	15.1	47	28.5	165	100
Collar ironing and finishing	—	—	1	.9	9	8.6	34	32.4	29	27.6	21	20.0	11	10.5	105	100
Body and sleeve ironing	—	—	4	7.0	4	7.0	9	15.8	15	26.3	14	24.6	11	19.3	57	100
Inspecting, shirt and coat folding	—	—	—	—	2	4.4	7	15.2	11	23.9	12	26.1	14	30.4	46	100
Sewing and mending	—	—	—	—	2	5.0	5	12.5	15	37.5	7	17.5	11	27.5	40	100
Cuff, neckband & yoke operating	—	—	—	—	—	—	7	24.1	14	48.3	5	17.2	3	10.3	29	100
Bosom press operating	—	—	—	—	—	—	—	—	2	10.5	10	52.6	7	36.8	19	100
Hand washing	—	—	—	—	—	—	1	6.2	4	25.0	3	18.8	8	50.0	16	100
Miscellaneous	—	—	4	1.8	54	23.8	51	22.5	42	18.5	48	21.1	28	12.3	227	100
Total	10	.4	265	9.6	544	19.6	708	25.5	459	16.5	343	12.4	443	16.0	2,772	100

Note: Of the 2,961 persons whose records were studied, weekly rates were not obtainable for 189 persons, of whom 107 were piece workers.

(Page 31.)

Difference Between Rates and Earnings.—United States

Table II corresponds in form to Table I,* except that weekly rates of payment instead of amounts actually received are taken into consideration. This table shows the general tendency of rates to lie appreciably higher than earnings. Only 29.6 per cent. of the workers were scheduled to receive less than $6 a week, in contrast to 51.5 per cent. who actually received payments of less than $6. In the same way, 16 per cent. were scheduled at over $9, but only 8.2 per cent. actually received as much as $9.

The cause for the general failure to earn the full amount is one concerning which employers and employees differ, in much the same way as they differ with regard to the reasons for unemployment, a matter which is discussed at a later point in the study. Just what amount of the failure to make full wages can be ascribed to compulsory short time, and what amount to the preference of the employee, is one concerning which the commission has not been furnished with material upon which an impartial judgment could be based. (Pages 22-23.)

*Pages 190-191.

Massachusetts Minimum Wage Commission. Bulletin No. 6. March, 1915. Wages of Women in Retail Stores in Massachusetts.

In Table III are shown the number and percentage of workers who are scheduled to be paid at the various rates specified.* It is a well-known fact that on account of illness, lateness and other causes which bring about short time and days out of work, the amounts received by mercantile as well as industrial workers in their pay envelopes at the end of the week often fall more or less short of the scheduled rates. . . . (Pages 22-23.) Unpaid absences and fines reduce the number actually receiving the given amount below the number scheduled to receive it, as just stated, and so increase the numbers in the preceding dollar groups. . . .

Over one-half of the workers under consideration in this table are scheduled to earn more than $8 a week, yet, as has been shown, only one-third actually receive more than $8 a week. The workers fall into lower earning groups than their scheduled rates of pay would indicate, and the result is shown by the fact that only 22.6 per cent. were scheduled to receive less than $6, but as a matter of fact fully one-third of the workers under consideration earned on the average less than $6 a week during the year. (Page 23.)

* The following statistics do not include the "extras" employed irregularly before Christmas, etc. See Bulletin No. 6. Page 20.

Table I (*a*). Retail Stores.

Average Weekly Earnings: by Occupations (Regulars).

Occupations.	Number and Per Cent. of Workers Earning—																					
	Under $3.		$3 and Under $4.		$4 and Under $5.		$5 and under $6.		$6 and under $7.		$7 and under $8.		$8 and under $9.		$9 and under $10.		$10 and under $11.		$11 and under $12.		$12 and over.		Total.	
	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.
Saleswomen	6	.2	44	1.3	142	4.1	467	13.6	520	15.1	798	23.3	486	14.2	332	9.7	181	5.3	149	4.3	305	8.9	3,430	100
Office employees	5	.5	43	4.4	77	7.9	119	12.2	160	16.4	270	27.8	117	12.0	56	5.8	46	4.7	23	2.4	57	5.9	973	100
Counter cashiers and examiners	42	7.2	156	26.9	290	49.9	53	9.1	15	2.6	19	3.3	3	.5	3	.5	—	—	—	—	—	—	581	100
Messengers and bundlers	140	33.4	209	49.9	56	13.4	14	3.3	—	—	—	—	—	—	—	—	—	—	—	—	—	—	419	100
Alteration workroom employees	—	—	2	.7	7	2.4	5	1.7	27	9.4	52	18.1	94	32.6	33	11.5	9	3.1	13	4.5	46	16.0	288	100
Millinery workroom employees	16	9.6	8	4.8	18	10.7	11	6.6	17	10.2	14	8.4	22	13.1	13	7.8	8	4.8	7	4.2	33	19.8	167	100
Other workroom employees	—	—	1	.9	2	1.7	4	3.4	9	7.7	44	37.6	29	24.8	10	8.5	5	4.3	8	6.8	5	4.3	117	100
Stock girls	—	—	1	1.8	24	43.6	17	30.9	4	7.3	4	7.3	1	1.8	3	5.5	1	1.8	—	—	—	—	55	100
Miscellaneous	9	2.1	66	15.8	87	20.8	45	10.7	50	11.9	90	21.5	29	6.9	13	3.1	5	1.2	13	3.1	12	2.9	419	100
Total	218	3.4	530	8.2	703	10.9	735	11.4	802	12.4	1,291	20.0	781	12.1	463	7.2	255	4.0	213	3.3	458	7.1	6,449	100

(Page 34.)

Table III.

Weekly Rates: by Occupations (Regulars).

Occupation.	Number and Per Cent. of Workers with Weekly Rates of—																					
	Under $3.		$3 and Under $4.		$4 and Under $5.		$5 and Under $6.		$6 and Under $7.		$7 and Under $8.		$8 and Under $9.		$9 and Under $10.		$10 and Under $11.		$11 and Under $12.		$12 and Over.		Total.	
	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.
Saleswomen	—	—	10	.3	61	1.8	118	3.4	526	15.3	651	19.0	939	27.4	357	10.4	263	7.7	99	2.9	406	11.8	3,430	100
Office employees	—	—	10	1.0	58	6.0	61	6.3	120	12.3	141	14.5	313	32.2	94	9.7	70	7.2	25	2.5	81	8.3	973	100
Counter cashiers and examiners	28	4.8	21	3.6	256	44.1	200	34.4	32	5.5	5	.9	35	6.0	2	.3	2	.4	—	—	—	—	581	100
Messengers and bundlers	—	—	232	55.4	145	34.6	28	6.7	9	2.1	4	1.0	1	.2	—	—	—	—	—	—	—	—	419	100
Alteration workroom employees	—	—	1	.4	3	1.1	6	2.3	2	.8	14	5.3	46	17.6	83	31.7	42	16.0	6	2.3	59	22.5	262	100
Millinery workroom employees	5	3.0	9	5.4	9	5.4	15	9.0	15	9.0	14	8.4	17	10.2	20	11.9	14	8.4	7	4.2	42	25.1	167	100
Other workroom employees	—	—	1	.9	—	—	—	—	3	2.6	7	6.1	59	51.7	19	16.7	6	5.3	5	4.4	14	12.3	114	100
Stock girls	—	—	1	1.8	5	9.1	20	36.4	17	30.9	2	3.7	6	10.9	1	1.8	2	3.6	—	—	1	1.8	55	100
Miscellaneous	1	.3	19	4.9	64	16.4	58	14.9	49	12.6	20	5.1	106	27.2	29	7.5	14	3.6	3	.8	26	6.7	389	100
Total	34	.5	304	4.8	601	9.4	506	7.9	773	12.1	858	13.4	1,522	23.8	605	9.5	413	6.5	145	2.3	629	9.8	6,390	100

Note: Of the total 6,449 persons whose records were studied, weekly rates were not available for 59 persons.

(Page 37.)

TABLE XVI. (a)

Average Weekly Earnings: by Occupations (Five-and-Ten Cent Stores, Regulars).

Occupation.	NUMBER AND PER CENT. OF WORKERS EARNING—																					
	Under $3.		$3 and Under $4.		$4 and Under $5.		$5 and Under $6.		$6 and Under $7.		$7 and Under $8.		$8 and Under $9.		$9 and Under $10.		$10 and Under $11.		$11 and Under $12.		$12 and Over.		Total.	
	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.
Saleswomen	3	.8	32	8.2	173	44.1	141	36.0	27	6.9	12	3.1	2	.5	1	.2	—	—	1	.2	—	—	392	100
Office employees	—	—	—	—	—	—	1	8.3	4	33.3	—	—	1	8.3	2	16.7	2	16.7	—	—	2	16.7	12	100
Miscellaneous	—	—	—	—	—	—	3	21.4	4	28.6	1	7.1	4	28.6	2	14.3	—	—	—	—	—	—	14	100
Total	3	.7	32	7.6	173	41.4	145	34.7	35	8.4	13	3.1	7	1.7	5	1.2	2	.5	1	.2	2	.5	418	100

(Page 52.)

TABLE XVIII.

Weekly Rates: by Occupations (Five-and-Ten Cent Stores, Regulars).

Occupation.	NUMBER AND PER CENT. OF WORKERS WITH WEEKLY RATES OF—																					
	Under $3.		$3 and Under $4.		$4 and Under $5.		$5 and Under $6.		$6 and Under $7.		$7 and Under $8.		$8 and Under $9.		$9 and Under $10.		$10 and Under $11.		$11 and Under $12.		$12 and Over.		Total.	
	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.
Saleswomen	—	—	—	—	16	4.1	251	64.0	92	23.5	22	5.6	7	1.8	3	.8	—	—	—	—	1	.2	392	100
Office employees	—	—	—	—	—	—	—	—	1	8.3	4	33.3	—	—	2	16.7	3	25.0	—	—	2	16.7	12	100
Miscellaneous	—	—	—	—	—	—	1	7.1	2	14.4	3	21.4	4	28.6	3	21.4	1	7.1	—	—	—	—	14	100
Total	—	—	—	—	16	3.8	252	60.3	95	22.7	29	7.0	11	2.6	8	1.9	4	1.0	—	—	3	.7	418	100

(Page 55.)

Massachusetts Minimum Wage Commission. Bulletin No. 8. September, 1915. Wages of Women in the Paper Box Factories in Massachusetts.

The total number of women in the box-making industry for whom wage records are available for analysis is 2,178. The following tables show the amount of their earnings by classified wage groups and in connection with other factors according to which they vary, such as occupation, establishment, hours of work and the age and experience of the worker.

Table 1, (*a*) and (*b*), shows the total number of these workers classified according to their earnings. The number who earned an average of less than $6 a week during the time when they were actually at work is 970, or 44.5 per cent. of the total. Three hundred and fifty of these employees, or 16.1 per cent., earned less than $4 a week, and three-fourths (75.7 per cent.) earned less than $8 a week. (Page 20.)

The weekly rates at which the workers were scheduled to be paid are shown in Table 2. (Page 21.)

TABLE 1 (*a*). PAPER BOX FACTORIES.

Average Weekly Earnings: by Occupations.

Occupations.	NUMBER AND PER CENT. OF WORKERS EARNING—																	
	Under $3.		$3 and Under $4.		$4 and Under $5.		$5 and Under $6.		$6 and Under $7.		$7 and Under $8.		$8 and Under $9.		$9 and over.		Total.	
	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.
Bench work	4	.6	43	6.4	87	13.0	115	17.2	120	18.0	87	13.0	70	10.5	142	21.3	668	100
Stripping	5	1.9	6	2.3	14	5.3	31	11.8	53	20.2	72	27.4	38	14.4	44	16.7	263	100
Helping	25	10.9	99	43.0	60	26.1	25	10.9	9	3.9	8	3.5	4	1.7	—	—	230	100
Closing and inspecting	12	8.7	27	19.7	23	16.8	16	11.7	18	13.1	16	11.7	6	4.4	19	13.9	137	100
Machine covering	1	.9	2	1.8	9	8.1	14	12.6	20	18.0	31	28.0	18	16.2	16	14.4	111	100
Labeling	—	—	5	4.8	10	9.5	10	9.5	14	13.4	25	23.8	23	21.9	18	17.1	105	100
Staying	1	1.2	1	1.2	3	3.7	8	9.9	20	24.7	14	17.3	17	21.0	17	21.0	81	100
Gluing off	1	1.2	10	12.5	37	46.3	25	31.3	3	3.7	4	5.0	—	—	—	—	80	100
Topping	3	4.4	5	7.3	3	4.4	9	13.0	17	24.6	11	15.9	9	13.0	12	17.4	69	100
Hand folding	12	19.0	17	27.0	15	23.8	8	12.7	7	11.1	4	6.4	—	—	—	—	63	100
Turning in	2	8.3	3	12.5	5	20.8	8	33.4	5	20.8	1	4.2	—	—	—	—	24	100
Lacing	—	—	3	23.1	—	—	1	7.7	2	15.4	4	30.7	3	23.1	—	—	13	100
Miscellaneous	33	9.9	30	9.0	42	12.6	42	12.6	58	17.3	56	16.7	24	7.2	49	14.7	334	100
Total	99	4.6	251	11.5	308	14.1	312	14.3	346	15.9	333	15.3	212	9.7	317	14.6	2,178	100

(Page 25.)

Table 2.

Weekly Rates: by Occupations.

Occupations.	Number and Per Cent. of Workers with Weekly Rates of—																	
	Under $3.		$3 and Under $4.		$4 and Under $5.		$5 and Under $6.		$6 and Under $7.		$7 and Under $8.		$8 and Under $9.		$9 and over.		Total.	
	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.
Bench work	—	—	—	—	6	5.9	34	33.7	10	9.9	14	13.9	7	6.9	30	29.7	101	100
Stripping	—	—	—	—	—	—	3	25.0	1	8.3	1	8.3	2	16.7	5	41.7	12	100
Helping	—	—	12	7.4	84	51.6	45	27.6	16	9.8	3	1.8	3	1.8	—	—	163	100
Closing and inspecting	—	—	—	—	6	16.2	1	2.7	1	2.7	6	16.2	8	21.6	15	40.6	37	100
Machine covering	—	—	—	—	2	28.6	1	14.3	1	14.3	2	28.6	1	14.3	—	—	7	100
Labeling	—	—	—	—	2	28.5	1	14.3	3	42.9	—	—	1	14.3	—	—	7	100
Staying	—	—	—	—	—	—	—	—	—	—	4	28.6	3	21.4	7	50.0	14	100
Gluing off	—	—	—	—	2	10.0	14	70.0	4	20.0	—	—	—	—	—	—	20	100
Topping	—	—	—	—	7	77.8	1	11.1	—	—	1	11.1	—	—	—	—	9	100
Hand folding	—	—	1	33.3	2	66.7	—	—	—	—	—	—	—	—	—	—	3	100
Turning in	—	—	—	—	—	—	1	20.0	4	80.0	—	—	—	—	—	—	5	100
Miscellaneous	—	—	4	4.5	7	8.0	20	22.7	11	12.5	17	19.3	15	17.1	14	15.9	88	100
Total	—	—	17	3.7	118	25.3	121	26.0	51	10.9	48	10.3	40	8.6	71	15.2	466	100

Note: Of the 2,178 persons whose records were studied, data concerning rates were not available for 1,712, a majority of whom were piece workers.

(Page 27.)

Massachusetts Minimum Wage Commission. Bulletin No. 9. September, 1915. Wages of Women in Women's Clothing Factories in Massachusetts.

TABLE 1 (*a*).

Average Weekly Earnings: by Occupations.

Occupations.	Number and Per Cent. of Workers Earning—																	
	Under $3.		$3 and Under $4.		$4 and Under $5.		$5 and Under $6.		$6 and Under $7.		$7 and Under $8.		$8 and Under $9.		$9 and over.		Total.	
	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.
Machine operating	54	4.9	121	11.1	155	14.2	189	17.3	163	14.9	159	14.5	110	10.0	143	13.1	1,094	100
Dress and waist finishing	22	6.3	42	12.0	80	22.8	82	23.4	40	11.4	37	10.6	30	8.6	17	4.9	350	100
Coat finishing	—	—	4	3.5	11	9.6	20	17.5	16	14.0	22	19.4	15	13.2	26	22.8	114	100
Plain finishing	4	3.5	4	3.5	26	23.0	22	19.5	23	20.4	14	12.5	10	8.8	10	8.8	113	100
Pressing	4	6.9	5	8.6	7	12.1	18	31.0	10	17.3	7	12.1	5	8.6	2	3.4	58	100
Examining	3	7.9	6	15.8	4	10.5	5	13.2	8	21.0	3	7.9	4	10.5	5	13.2	38	100
Folding	—	—	1	4.3	4	17.4	8	34.8	4	17.4	6	26.1	—	—	—	—	23	100
Sample making	—	—	—	—	—	—	—	—	—	—	2	13.3	2	13.3	11	73.4	15	100
Draping	—	—	—	—	—	—	—	—	2	18.2	3	27.3	1	9.1	5	45.4	11	100
Miscellaneous	4	2.8	25	17.2	29	20.0	24	16.6	13	9.0	16	11.0	16	11.0	18	12.4	145	100
Total	91	4.6	208	10.6	316	16.1	368	18.8	279	14.2	269	13.7	193	9.9	237	12.1	1,961	100

(Page 23.)

Table 2.

Weekly Rates: by Occupations.

Occupations.	Number and Per Cent. of Workers with Weekly Rates of																	
	Under $3.		$3 and Under $4.		$4 and Under $5.		$5 and Under $6.		$6 and Under $7.		$7 and Under $8.		$8 and Under $9.		$9 and over.		Total.	
	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.	No.	%.
Machine operating	—	—	22	7.3	44	14.6	42	13.9	30	10.0	33	11.0	25	8.3	105	34.9	301	100
Dress and waist finishing	1	.4	3	1.1	16	5.7	65	23.3	75	26.9	42	15.0	34	12.2	43	15.4	279	100
Coat finishing	—	—	—	—	—	—	2	2.6	9	11.8	17	22.4	17	22.4	31	40.8	76	100
Plain finishing	—	—	—	—	4	4.4	6	6.6	19	20.9	16	17.6	14	15.4	32	35.1	91	100
Pressing	—	—	—	—	3	11.1	2	7.4	3	11.1	6	22.2	6	22.2	7	26.0	27	100
Examining	—	—	7	20.0	2	5.7	1	2.8	5	14.3	8	22.9	3	8.6	9	25.7	35	100
Folding	—	—	—	—	1	5.5	1	5.6	8	44.4	6	33.3	1	5.6	1	5.6	18	100
Sample making	—	—	—	—	—	—	—	—	—	—	—	—	1	9.1	10	90.9	11	100
Draping	—	—	—	—	—	—	—	—	—	—	—	—	1	20.0	4	80.0	5	100
Miscellaneous	—	—	5	5.1	12	12.1	18	18.2	10	10.1	12	12.1	11	11.1	31	31.3	99	100
Total	1	.1	37	3.9	82	8.7	137	14.5	159	16.9	140	14.9	113	12.0	273	29.0	942	100

Note: Of the 1,961 persons whose records were studied, data concerning rates were not available for 1,019, a majority of whom were piece workers.

(Page 25.)

Difference Between Rates and Earnings.—United States

The weekly rates at which the workers were scheduled to be paid are shown in Table 2.* Piece workers, who make up an important group in this industry, are necessarily excluded from this table, as well as all time workers whose rates were not available, so that the table shows rates for only 942 of the 1,961 women whose actual earnings are shown in Table 1.* In common with the table of earnings, this table shows a wide difference between different occupations with regard to their rates of payment. Machine operating, dress and waist finishing, and examining show the lowest rates, judged by the percentage scheduled for less than $6, and sample making and draping the highest. Only 27.3 per cent. of the workers were on rates of less than $6 a week, as against 50.1 per cent. who actually received an average per week of less than that amount. A comparison between the other items in this table and those in Table 1 shows a very general failure among the workers studied in this industry to make full wages. This failure may be ascribed to various causes, among which are compulsory short time, particularly during the slack season in the industry, illness and the preference of the employee. Actual records do not exist, however, to show to what cause any particular worker's failure to make full wages may be ascribed. (Pages 17-18.)

In Table 3 the 1,961 workers studied are classified according to the total amount earned during the past year in the factory in which they were working at the time the study was made. Nearly one-half (47.7 per cent.) earned less than $100 in the course of the year, and only 174 (8.9 per cent.) out of the total number earned as much as $400 a year. These earnings are manifestly lower than those which the weekly earnings described in Table 1 would yield by the year. Their low level may be due in large part to unemployment proper, that is, inability to get work especially during the slack season, or it may be due to changing from factory to factory, leaving the factory to marry, or to illness or other miscellaneous reasons. (Page 18.)

*Pages 200-201.

Report of the Massachusetts Commission on Minimum Wage Boards. 1912. House Document No. 1697.

The Candy Worker.

The flat rate of wages gives only an approximate idea of the actual earnings of the candy worker. She gains over her rate by payment for overtime and bonus; she loses by fines and the irregularity of her employment. (Page 50.)

It is simple to generalize about the number of women who are working at the rate of $4, $5, and $6, etc., a week in any given factory, but the actual earnings for the year, or at least for a number of weeks, are essential to a real knowledge of the situation. (Page 50.)

The average annual earnings of the 469 women who worked through the year for the same firm was $277.16 or $5.33 for each of the fifty-two weeks, including the weeks when they were out of work because of a temporary shutdown, illness or absence for personal reasons. The average for weeks worked taken alone was $5.97. The average loss, then, that the worker bore each week, largely because of industrial reasons, as will be shown later, was 64 cents. Anyone on a salary of $60 a week may bear the loss of $6 with equanimity, but to the wage earner the loss of 10 per cent. of her income is a serious concern, and added to the uncertainty of employment, a drain on her resources of mind and body. (Pages 51-52.)

The question of irregularity of employment is a very vital one to the woman earning wages which barely maintain her even when she has steady work. There is no margin left over the necessities of life, against the out-of-work period whether it is due to lack of employment, sickness or the effort to find more satisfactory work. Not only do the idle periods seriously affect the worker's purse, but irregularity and uncertainty inevitably cause deterioration in her ability to make the most of herself and her slender pay. She cannot develop foresight. She cannot plan the wisest expenditures, while indubitably recurring idleness, with its attendant anxiety, tends to impair efficiency. More appealing to some minds, because

the relation of cause and effect is more clear, is the moral downfall of many women during this period of no work, no money, the discouragement of fruitless search for work, and a surfeit of time. (Pages 62-63.)

No study of wages is complete without a parallel study of the steadiness of employment and the expectation of time to be lost on account of sickness. Every industry that is not essentially seasonal should pay enough to its workers to maintain them through the slack season and through short periods of sickness. This investigation throws some light on these points, but a more intensive study is necessary to show exactly how much time is lost, and for what causes.

Holidays and Vacations.—In the year covered by our investigations there were seven legal holidays; next year there will be eight, including Columbus Day. These holidays are a dead loss to the worker; six days' wages are spread over seven days' expenses in ordinary weeks, but in holiday weeks five days' wages have to go over seven days. To the average worker earning $308.60 a year, $7.90 makes an appreciable difference. One firm pays for holidays when a worker has been with them for three years; one other was reported to pay for Christmas; one for Thanksgiving, and one for Christmas and the Fourth of July. These are the rare exceptions.

Since most workers feel the need of a vacation, a short one will be taken where it is in any way possible, even though none is paid for, as in the candy industry. (Page 63.)

Wages of Women in the Laundries.

The average annual earnings of the 539 women who were employed throughout the year in one laundry were $387.12, or an average of $7.44 for each of the fifty-two weeks. A certain amount of time was lost because there was no work to be done and because of sickness and personal reasons which include time for vacation or for recuperation. The average earnings for the 539 women for the weeks during which they worked were $7.62. Eighteen cents a week, then, was lost by absence during the weeks when they did not work at all. In the more poorly

paid candy industry the loss was 64 cents, which shows the far greater uncertainty of work in the latter trade. The average weekly earnings of the 1,042 women who were employed by the given laundry for only a part of the year were $5.90 or $1.28 a week less than the more permanent class of workers received. This is even a greater difference than the 95 cents in the candy industry. The cheap end of these two trades drift here and there, and the more they drift the less capable they are of doing better-paid work. (Page 158.)

Regularity of employment is as vital to the worker as a living wage. It presents another problem, but yet one inextricably bound up with the question of what wages are necessary to maintain the employees of any given industry. No workers can count on casual work or a supplementary job to fill in the time lost by industrial causes. No worker can count on less than the usual expectancy of sickness. A woman who is able to make her meager wages do because her living expenses are less through a co-operative family arrangement and her mother's services, must expect to take her turn in staying at home to care for a sick member of her family. (Page 162.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV. The Relation of Irregular Employment to the Living Wage for Women. IRENE OSGOOD ANDREWS, *Assistant Secretary, American Association for Labor Legislation.*

This study of the actual incomes of working women brings out clearly the indisputable fact that "rate of pay" is but little indication of income. And this applies not alone to those younger "irregular" workers as yet unskilled and undisciplined who suffered from lack of work and low earnings, but it is found that for trained and experienced workers also, the actual income falls from 10 per cent. to 20 per cent. below the possible income based on "rate of pay". (Page 511.)

Comparisons between actual and possible earnings,

based on average weekly earnings and rate of pay, reinforce these facts. In the paper box industry in New York City, 94 per cent. of a selected group of 246 women working under conditions above the average earned less than their scheduled rate of pay. Out of this 94 per cent. 62.1 per cent. fell more than 10 per cent. below their possible earnings for the period worked, and 41 per cent. fell more than 15 per cent. below. In the confectionery industry in a similarly selected group of 1,063 workers, 89.7 per cent. earned less than their scheduled rate of pay. Out of this 89.7 per cent., 63.4 per cent. fell more than 10 per cent. below their possible earnings for the period worked, and 44.6 per cent. fell more than 15 per cent. below. The average loss in actual earnings compared with rates for both groups was approximately 15 per cent.

An investigation by the Connecticut Commission on the conditions of Wage-Earning Women and Minors* showed that for 942 females in the cotton industry the computed full time earnings were $9.17 while the average actual weekly earnings were only $8.05, a loss of 13.9 per cent.; in the silk industry for 1,175 females the corresponding figures were $7.40 and $6.26, a loss of 18.2 per cent.; in brass factories for 662 females, the figures were $7.87 and $6.89, a loss of 14.3 per cent.; in the hardware industry for 701 females the figures were $6.79 and $5.95, a loss of 14.1 per cent.; in the metal trades for 2,541 females the figures were $7.41 and $6.50, a loss of 13.9 per cent. These results are taken from 50 factories in 14 localities. (Page 512-13.)

For the year 1913 the Wisconsin State Federation of Labor reported that among organized women workers, where one would expect to find relatively good conditions, the possible annual earnings averaged $483, while actual earnings fell to $429, a loss of 11.2 per cent. For all union garment workers including many women, the average loss of 15.7 per cent. Losses among unorganized workers would unquestionably be higher. (Page 513.)

All facts agree that actual earnings fall far short

* Report of Feb. 4, 1913, pp. 67, 91, 153, 171, 200.

of possible earnings based upon "rate of pay". This investigation leads also to the conclusion that, at least for the workers here considered, the average girl or woman loses in wages an amount equal to no less than 15 per cent. of her possible earnings. The younger more irregular worker loses an even greater amount. (Page 525.)

Unless reasonable regularity of employment can be definitely assured, a living wage through the year can be secured only by setting up a wage rate sufficiently high to cover unemployed periods of time, or by establishing some form of unemployment insurance. (Page 526.)

The Paper Box Industry.

To examine further the relation between rates and actual earnings, and to determine whether or not earnings usually fell below the rate, a comparison was made of the weekly wage rate of 246 of the women paper box workers in New York City with their actual average weekly wages for the period worked. These figures represent conditions far above the average, since only the best factories keep their books so that reliable figures can be obtained. That this selected group represents to a much greater degree the more permanent class of workers is indicated by the fact that 32 per cent. were annual workers as against 15 per cent. of annual workers for the entire labor force. In addition, to avoid including some absences for personal reasons, when the average weekly earnings were computed, the weeks in which a woman was not working at all were omitted, although the number of such absences greatly increases in the dull seasons and the omission therefore undoubtedly excludes in many cases a part of the wage loss due to industrial conditions. For this particular study therefore the steadier workers in the better factories are under consideration and a certain amount of unemployment is being left out of account.

Comparison was made of the rate of pay and the average weekly earnings of 246 such adult women workers in the paper box industry. The average weekly earnings of 94 per cent. of these women were below their

stated rate of pay. Only 8, or 3½ per cent. had average weekly earnings equal to their rate of pay. The weekly earnings of just 6, or 2½ per cent. of the whole group, averaged higher than their rate of pay. For that great majority of the women whose earnings fell below their rate, tables were made to show first by wage groups and secondly by length of time in the same factory, what per cent. of the rate they lost. (See Table 2.) According to the table we find that 62.1 per cent., almost two-thirds, lost over 10 per cent. of their supposed wage during the time they worked, with 26 per cent. losing from 16 to 25 per cent. and 15 per cent. losing more than 25 per cent.—over a quarter—of their supposed income for the period they worked. It is evident that the lowest paid and most shifting workers are the ones suffering the heaviest losses.

Of those earning under $5, 77.7% lost over 10% of wages.

Of those earning $5-$5.99, 63% lost over 10% of wages.

Of those earning $6-$6.99, 50% lost over 10% of wages.

Of those earning $7-$7.99, 50% lost over 10% of wages.

Of those earning $8-$8.99, 35.8% lost over 10% of wages.

Of those earning $9 and over, 28.1% lost over 10% of wages. (Pages 536-37.)

The record of the wages of a few individual girls week by week shows, just as an extensive comparison of weekly rates with average weekly earnings shows, an actual income approximately 15 per cent. below the rate. The wage rate is only nominal, a term of little real meaning.

The Confectionery Industry.

Most of the women employees in candy factories are time workers. This does not mean, however, that such workers who keep their places during the slack season really make their nominal weekly rate during that time. To illustrate this point the Massachusetts Minimum

Wage Board selected a single wage sheet from one pay roll. It was a "typical sheet" selected at random and contained the names of forty-three time workers, at work for the factory an average of forty weeks during the year. That is, they were comparatively steady workers. On the average, they received their scheduled rate just a quarter of the time or ten weeks out of the forty. Their average exceeded the rate nine times and fell below it twenty-one times. Not one received her rate for half the time she worked, or earned more than her rate as often as she earned less. In every case the actual average earnings of these women if computed would have fallen below their rate. Both the report of the Massachusetts Minimum Wage Commission and the New York State Factory Investigating Commission compare rates and earnings for women in the confectionery industry in 1913, and both show earnings falling below the rates, though the New York report took a week in the "normal" or busier season and the Massachusetts report considered average weekly earnings for the year. In New York City in the selected week only 19 per cent. of the women were working at a rate of under $5, but 30 per cent. actually took home such amounts in their pay envelopes. In Massachusetts for the whole year 26 per cent. were rated under $5, but 49 per cent. actually earned such a sum. (Pages 556-57.)

A special study of rates and earnings was made which included every New York City candy factory which kept records of the weekly rate of wages and actual weekly earnings of their women workers. The rate-workers selected in this way were far above the average, and included only the best factories, the steadier workers, and in addition excluded a certain amount of unemployment. Yet in almost every case earnings were found to be below the scheduled rate.

This group consisted of 1,063 time workers, the earnings of 953 or 89.7 per cent. of this number fell below their rate of wages, while for only 18 were earnings and rates equal, and 92 received earnings higher than their rate of wages. Sixty-three and four-tenths per cent. of

the 953 women who suffered a loss in earnings, lost more than 10 per cent. of their rate; 18.8 per cent. lost from 11 per cent. to 15 per cent.; 25.3 per cent. lost from 16 per cent. to 25 per cent.; and 19.3 per cent., nearly a fifth, lost over a quarter of their supposed income. There are only slight differences in the severity of the losses suffered by the high and by the low paid workers.

Of those earning under $5, 72.1% lost over 10% of wages.

Of those earning $5-$5.99, 62.3% lost over 10% of wages.

Of those earning $6-$6.99, 59.5% lost over 10% of wages.

Of those earning $7-$7.99, 57.4% lost over 10% of wages.

Of those earning $8-$8.99, 57.4% lost over 10% of wages.

Of those earning $9 and over, 66.3% lost over 10% of wages.

But many of the women who stayed only a short time in the same factory lost more heavily than did the more permanent workers. (Pages 561-62.)

We find therefore these steadier workers in the better factories suffering at the most conservative estimate losses which average 15 per cent. from their nominal rate of pay. Undoubtedly the loss of other women in the trade would be much greater.* (Page 563.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV. Mercantile Establishments.

. . . We obtained wage data for nearly 70,000 employees in 143 stores located in 19 cities and villages throughout the State. (Page 51.)

As already explained, the amounts received by store employees in their pay envelopes for one week were also entered, in order to compare actual earnings with rates quoted. It should be noted that the time chosen in New

*For similar statistics as to other trades, see op. cit., pages 570 ff.

York City—a week in December—is the period when the earnings of salespeople are highest because of the volume of trade served before Christmas. . . . Only 99 persons were quoted as receiving a weekly rate of less than $3; but 2,040 persons actually received sums less than this amount. Eighteen per cent. of all employees were quoted at rates under $6; but 23 per cent. got less for the week recorded. On the other hand, the proportions at $8 and over are practically the same. This point is worth noting, since it shows, that the low paid employees are the ones who suffer most from deductions. (Page 76.)

Examining the table of earnings more closely, we find that the highest percentages of persons receiving very small amounts are found among the unclassified help, who left the New York City stores after Christmas. Since their rates do not run so low as those for the female help retained, we may assume that some of these shifters did not work a full week.

But turning to the employees classified by occupation and sex, we note that among them also the numbers and per cents. of all receiving small amounts are greater than those entered for these rates. For instance, only 10 male and 75 female employees were reported as receiving rates under $3;* but 138 males and 558 females actually received less for the week recorded. Sixty-two per cent. of all women and girls for whom rates were given were supposed to receive less than $9 per week; but we find that the actual earnings of 67 per cent. of all females fell below this figure. . . . One hundred and thirty-eight adult men and 3,337 women 18 years of age and over were quoted at rates under $6; but 241 men and 4,388 women actually received less than this amount. (Page 81.)

*The apparent discrepancy between these figures and those given on p. above is due to the omission here of 14 persons "unclassified" as to whether male or female.

Difference Between Rates and Earnings.—United States

TABLES XI AND XIII (Condensed).

Weekly Rates.

Weekly Rates in Dollars	Total Numbers Female	Cumulative Per Cent. Female
All rates.	31,490	.....
Less than $3.00	75	0.24
$3.00-$3.49	527	1.9
3.50- 3.99	976	5.
4.00- 4.49	2,014	11.4
4.50- 4.99	1,151	15.
5.00- 5.49	2,601	23.3
5.50- 5.99	641	25.4
6.00- 6.49	4,379	39.3
6.50- 6.99	513	40.8
7.00- 7.49	4,173	54.1
7.50- 7.99	397	55.4
8.00- 8.99	3,724	67.2
9.00- 9.99	2,379	74.8
10.00-10.99	2,306	82.1
11.00-11.99	844	84.9
12.00-12.99	1,609	90.

Actual Weekly Earnings.

Weekly Earnings in Dollars	Total Numbers Female	Cumulative Per Cent. Female
All amounts.	31,517	.....
Under $3.00	558	1.8
$3.00-$3.49	726	4.
3.50- 3.99	1,063	7.5
4.00- 4.49	2,109	14.3
4.50- 4.99	1,168	17.8
5.00- 5.49	2,358	25.3
5.50- 5.99	1,089	28.8
6.00- 6.49	3,530	40.
6.50- 6.99	997	43.1
7.00- 7.49	3,337	53.7
7.50- 7.99	840	56.5
8.00- 8.99	3,492	67.5
9.00- 9.99	2,397	75.
10.00-10.99	2,130	81.8
11.00-11.99	993	85.
12.00-12.99	1,389	89.3

(Pages 67 & 80.)

Difference Between Rates and Earnings.—United States

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV. The Shirt Industry.

TABLES XII AND XIII (Condensed).

Specified Rates.

Weekly Rates	Total Female	Cumulative Per Cent. Female
Less than $3.00	6	0.2
$3.00-$3.49	107	3.8
3.50- 3.99	130	8.3
4.00- 4.49	253	17.
4.50- 4.99	184	22.3
5.00- 5.49	304	33.8
5.50- 5.99	189	42.
6.00- 6.49	388	53.5
6.50- 6.99	149	58.8
7.00- 7.49	270	67.8
7.50- 7.99	131	72.1
8.00- 8.99	293	82.4
9.00- 9.99	256	92.
10.00-10.99	119	95.2
11.00-11.99	39	96.5
12.00-12.99	53	98.4

(Page 191.)

Weekly Earnings.

Weekly earnings	Total Female	Cumulative Per Cent. Female
Less than $3.00	537	5.9
$3.00-$3.49	360	9.9
3.50- 3.99	380	14.1
4.00- 4.49	523	19.9
4.50- 4.99	531	25.8
5.00- 5.49	705	33.6
5.50- 5.99	591	40.2
6.00- 6.49	725	48.2
6.50- 6.99	511	53.8
7.00- 7.49	644	61.
7.50- 7.99	485	66.3
8.00- 8.99	904	76.3
9.00- 9.99	652	83.6
10.00-10.99	510	89.2
11.00-11.99	283	92.3
12.00-12.99	254	95.1

(Page 195.)

Difference Between Rates and Earnings.—United States

At first glance this table appears very like the preceding one on weekly rates. A brief examination shows, however, that nearly three times as many persons are included, the earnings of piece workers being here entered. The numbers earning both high and low amounts are, therefore, much larger. (Page 192.)

In the case of women and girls, 8 per cent. were entered at rates under $4, but 14 per cent. of all received less for a week's work. On the other hand, according to the previous table, only 8 per cent. of the women might have been expected to earn $10 or over; whereas 16 per cent. actually received these higher wages. This is of course due to the fact that most skilled operatives are on a piece basis, and no time rates are quoted. (Page 193.)

In a trade where piece rates prevail, actual earnings furnish the only available standard for estimating the income of employees. According to the receipts for the weeks in question, more than half of the male employees in shirt factories throughout the State, get less than $11 for a week's work, and more than half the women and girls fall below $7. Nearly two-thirds of the female employees receive less than $8 and more than one-fourth less than $5. (Page 193.)

Judging from the returns of one representative plant, we should say that the earnings of a female operator during a busy season will average about 18 cents an hour. This makes it possible for a steady operator working full time, to make as much as $12 a week; but this amount is not regularly attained by sewing women. They work less than the maximum hours and earn ordinarily between $8 and $9 in the better factories. One reason for loss is the impossibility of always getting work. The amount to be done depends upon the orders that have come in, or the speed of operators who manipulate the goods before they come to those who do the latter sewing operations. (Page 198.)

The highest regular rate achieved by half the women between 30 and 35 years of age is $9, while the highest earning for the majority is $8.25. In general, the earn-

ings are lower than the rates, although the large number of skilled operatives for whom no rates are quoted, bring the general level up somewhat. But, as we have already seen, neither rates nor earnings touch $7, so far as the majority of all female employees are concerned. (Page 200.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV. The Paper Box Industry.

Table VII shows the weekly rates quoted for 6,202 employees, classified according to the principal occupations in the trade. Summarizing the data briefly, we may say that from $10 to $16 are the most common rates for men. Five and six dollars are the figures most often quoted for all female employees. The majority of men and boys may hope to earn between $8 and $16; more than half the women and girls, between $5 and $9. Over half the male help is rated below $12, and the majority of females, under $6.50. (Page 239.)

. . . Table IX shows in detail the earnings of factory employees according to occupation and sex.

A comparison of these data with those presented in Table VII shows that rates quoted are as a rule above earnings received. For instance, less than 10 per cent. of all male employees for whom rates were quoted were supposed to receive less than $6 a week. As a matter of fact, during the week for which we took earnings, more than 13 per cent. of the men and boys for whom we have returns actually got less than this amount in their pay envelopes. In the case of girls and women, the rates of 16 per cent. were below $5, the weekly earnings of 22 per cent. were less. (Page 245.)

Difference Between Rates and Earnings.—United States

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TABLE VII (Condensed).

Specified Rates of Factory Workers.

Weekly rates	Total Female	Cumulative per cent of total Female
Less than $3.00	9	.23
$3.00-$3.49	58	1.68
3.50- 3.99	83	3.87
4.00- 4.49	198	8.82
4.50- 4.99	284	16.05
5.00- 5.49	540	29.7
5.50- 5.99	318	37.6
6.00- 6.49	612	53.
6.50- 6.99	166	57.1
7.00- 7.49	246	63.4
7.50- 7.99	148	67.1
8.00- 8.99	456	78.6
9.00- 9.99	388	88.3
10.00-10.99	296	95.6
11.00-11.99	72	97.4
12.00-12.99	65	99.1

(Page 241.)

TABLE IX (Condensed).

Actual Weekly Earnings.

Actual Weekly Earnings in Dollars	Total Female	Cumulative per cent. of total Female
Less than $3.00	231	3.12
$3.00-$3.49	219	6.1
3.50- 3.99	266	9.7
4.00- 4.49	428	14.15
4.50- 4.99	493	22.18
5.00- 5.49	716	31.85
5.50- 5.99	569	39.6
6.00- 6.49	662	48.6
6.50- 6.99	435	55.5
7.00- 7.49	508	61.3
7.50- 7.99	390	66.7
8.00- 8.99	824	77.8
9.00- 9.99	672	87.
10.00-10.99	449	93.
11.00-11.99	236	96.
12.00-12.99	172	98.5

(Page 247.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV. The Confectionery Industry in New York State.

Factories Included.—For the following analysis 84 factories, employing nearly 9,800 persons, were taken in 11 cities and villages throughout the State. The establishments range in size from 6 to 857 employees, and include 7 chocolate mills, 5 chewing gum plants, 3 popcorn factories and 69 places where candy is made. This number comprises practically all the larger firms and represents the working conditions of over 76 per cent. of all persons reported in the trade.

Personnel.

Of all persons employed as workers in local confectionery factories, 65 per cent. are girls and women—a much larger proportion than in most industries. . . . (Page 304.)

To sum up the matter of rates; . . . More than two-thirds of the girls under eighteen are rated below $5.50; and more than half of the women shop hands above this age fail to achieve the $6.50 rate. So much may suffice to indicate the general levels of wages in the industry.

Actual Earnings.

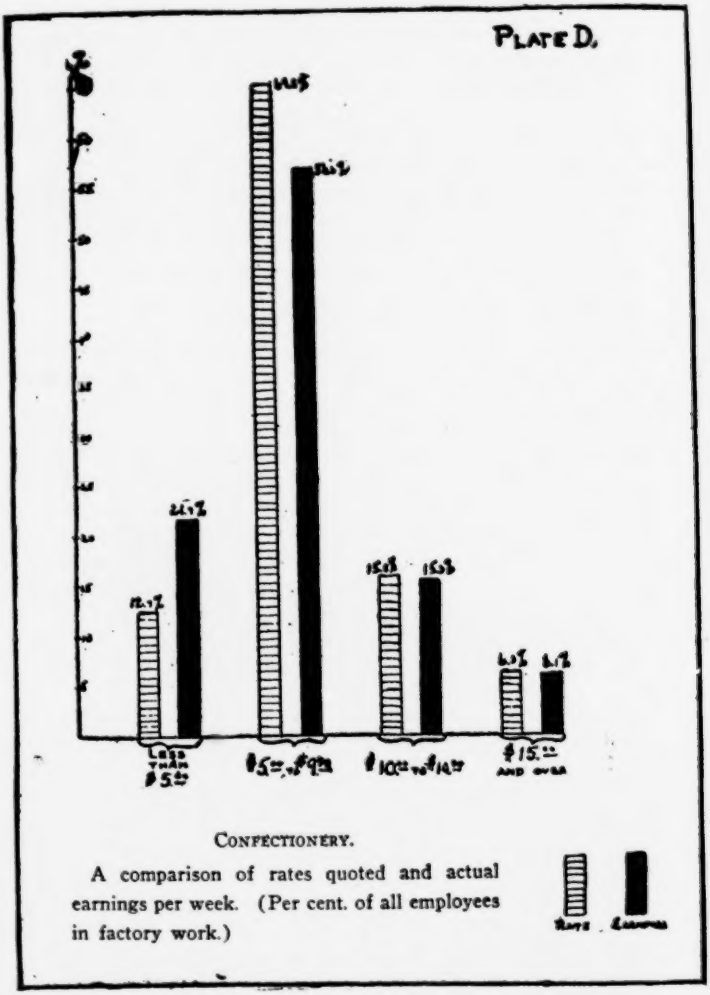
A more important matter is to find how much wage earners actually receive for their labor. To determine this, our investigators in New York City recorded the amount placed in the pay envelope of each employee for a week in October or late September, 1913. Up-state the figures were taken in May and June, 1914. In the former case the test was at a season when the candy industry was beginning to work full time and take on additional help in preparation for the Christmas rush. The time selected therefore was one showing the trade when business was active—not yet quite at its height, but well above the yearly average. Some new hands were undoubtedly being broken in, but the regulars were also beginning to make extra time or larger pay on increasing piece-work. In the case of factories up-state, business was rather slack. But since the numbers taken last winter greatly outweigh those recorded in the spring, the trade as a whole is shown in a favorable light. . . .

According to rates quoted, only 13 per cent. of the employees were rated under $5. But according to actual earnings, 22.5 per cent. of all whose receipts were noted fell below that amount. On the other hand, 63.5 per cent. might have been expected to receive more than $5 and less than $10. As a matter of fact, only 55.5 per cent. actually received sums between these amounts. For amounts over $10, the proportions based on earnings are also slightly lower than those based on rates. (See Plate D.)

Difference Between Rates and Earnings.—United States

The reasons for this falling in earnings are not far to seek. The better paid employees are salaried persons whose income does not vary greatly on account of slack work or short absences. On the other hand the low paid employees are docked for absences, or are not paid the full amount if their output falls below standard. In one place girls are not paid for any time less than one week. As the rates are low, many soon become discouraged and leave. Thus the firm gets some work for nothing. (Pages 315-316.)

Difference Between Rates and Earnings.—United States



CONFECTIONERY.

A comparison of rates quoted and actual earnings per week. (Per cent. of all employees in factory work.)

Difference Between Rates and Earnings.—United States

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV. Covered and Celluloid Button Factories in New York City.

Table V shows a wide divergency in the wage rates. . . . Nearly half the females receive less than $7.50.

Table VI shows the actual earnings of the employees for the week preceding my schedules in each factory. Some of the smaller factories do not keep a pay roll. In some cases the proprietors were absent and I could not secure access to the pay roll and in such instances I had to rely upon the statements of the employees as to their weekly rates and actual earnings. Over half the males received less than $9 a week, and over half the female employees received less than $7.

Tables V and VI show a considerable difference between the specified rates and the amounts actually earned. It will be noted that the actual earnings fall below the rates quoted for employees as a whole. For example, whereas half the women were supposed to receive $7.50 or less, more than half actually received less than $7 for the week in which the investigation was made. (Page 348.)

Difference Between Rates and Earnings.—United States

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV. Covered and Celluloid Button Factories in New York City.

TABLE V. (Condensed).

Specified Rates.

Weekly Rates	Total Female	Cumulative Per Cent. Female
Less than $3.00	.....	.....
$3.00-$3.49	1	.4
3.50- 3.99	1	.8
4.00- 4.49	4	2.3
4.50- 4.99	4	3.8
5.00- 5.49	19	11.0
5.50- 5.99	15	16.6
6.00- 6.49	28	27.2
6.50- 6.99	7	29.8
7.00- 7.49	49	48.3
7.50- 7.99	29	59.2
8.00- 8.99	48	77.3
9.00- 9.99	25	86.7
10.00-10.99	14	92.0
11.00-11.99	3	93.1
12.00-12.99	10	96.9

(Page 347.)

TABLE VI (Condensed).

Actual Earnings.

Weekly Earnings	Total Female	Cumulative Per Cent. Female
Less than $3.00	10	3.5
$3.00-$3.49	5	5.2
3.50- 3.99	7	7.7
4.00- 4.49	16	13.3
4.50- 4.99	14	18.2
5.00- 5.49	19	24.8
5.50- 5.99	36	37.5
6.00- 6.49	28	47.3
6.50- 6.99	15	52.5
7.00- 7.49	30	63.0
7.50- 7.99	15	68.2
8.00- 8.99	38	81.5
9.00- 9.99	20	88.5
10.00-10.99	11	92.3
11.00-11.99	4	93.7
12.00-12.99	10	97.2

(Page 351.)

Report of the Industrial Welfare Commission of the State of Washington on the Wages, Conditions of Work and Cost and Standards of Living of Women Wage-Earners in Washington. CAROLINE J. GLEASON. *Olympia, Washington, 1914.*

The number of hours a week a laundry worker may put in is the final gauge of the amount in the pay envelope. Table XX shows the number of weekly hours of work reported by 2,185 laundry workers classified by occupation. . . . 2.5 per cent. of the workers put in less than 4 days a week. Of those working less than four days a week the ironers as a single group are great-

est in numbers. . . . the office employees are the only ones who approximate a full week. Next to them are the markers and sorters, 80 per cent. of whom work between 45 and 48 hours. At present 14 cents is the lowest rate per hour paid in some laundries. On a 48-hour week at 14 cents an hour this should mean that no laundry employee receives less than $6.50 a week. Yet . . . we find 31 receiving less than $5.00 and 89 receiving less than $6.00; 224 are receiving between $6.00 and $7.00 a week, making a total of 444 who are receiving less than $1.00 a day. Hourly rates range as high as 25 cents an hour for skilled hand ironers, one-third of whom, however, work between four and one-half and five days a week and over one-half of whom work less than five and one-half days a week. . . . We find that out of over 2,300 workers, 72 per cent. or nearly three-fourths are receiving less than $10.00 a week. Thus it is that laundry workers complain with reason when they say that they never know what the pay envelope at the end of the week will bring and would not quarrel with the rate per hour so much if they could be certain of a regular income and be able to plan somewhat on the future. (Pages 32-33.)

The Living Wage of Women Workers. A Study of Incomes and Expenditures of 450 Women Workers in the City of Boston. Louise M. Bosworth, *Fellow, Women's Educational and Industrial Union. Longmans, Green & Co., New York, 1911.*

. . . The woman worker in planning her expenses must take into account the shrinkage of her income before it comes into her hand by reason of fines, trade expenses, docking for holidays and vacations, seasons of short time and no work. It is the girl on the low wage who has this loss to bear in greatest measure. The actual amount of money loss increases up to the income of $10 per week, and beyond that decreases with the increasing wage. While the girl on starvation wages, who earns $3, $4 or $5 per week, does not actually get more than 84.37 per cent. of this amount, the more prosperous

woman earning $15 and over, gets 94.84 per cent. of her supposed wages. . . . (Page 33.)

The high percentage of loss of income among factory girls is due in part to the long periods of short hours and lay-offs on account of slack trade. Among sales girls the 4.50 per cent. loss through illness is a large factor in the high rate. But the greatest source of loss for all classes is unemployment. The factory girls pay the highest penalty here, having an out-of-work loss of 7.14 per cent. followed closely by the waitresses, with 6.89 per cent. The latter probably increase their out-of-work time considerably by changing places between seasons, working summers at the beach and winters in the cities. Salesgirls have 6.66 per cent. loss from out-of-work; clerical workers, 5.75 per cent.; kitchen, 5.43 per cent.; professional, 3.85 per cent. (Pages 33-34.)

It appears that the heaviest loss for all occupations comes from no work, that salesgirls pay the highest amount for illness, professional workers for vacations, factory employees for holidays and laid-off times, waitresses for fines and trade expenses, and that in general the low-wage groups pay a higher proportion back to the firm than the high-wage groups. (Pages 34-35.)

British Sessional Papers. Vol. LXXI. 1908. Report to the Secretary of State for the Home Department on the Wages Board and Industrial Conciliation and Arbitration Acts of Australia and New Zealand. Ernest Aves.

In connection with this question of regularity, it may be noted that I heard little of the distinction between weekly rate and annual earnings. Of this reticence the great prosperity enjoyed, in a climate that tends greatly to diminish the normal seasonal fluctuations of England is perhaps the chief explanation. (Page 47.)

So with reference to this question of earnings as distinguished from rate, there is little evidence to show that where rates may have been going up annual earnings "of those retained" have not also increased. There

are, it is true, no figures to show what has really taken place, but though individuals may have suffered through an incompetence that, unless corrected, tends to become a more active source of competitive weakness the higher the rates become, there is a widespread agreement that general conditions have improved. This would not be so freely expressed if, to any very serious extent, the rise in the normal rate had been accompanied by greatly diminished annual earnings. Of holidays I heard a good deal, but of broken time through seasonal or other involuntary causes of variation very little. (Page 48.)

(b) SEASONAL FLUCTUATIONS.

One main cause of irregularity of employment, with consequent loss of wages, is the alteration of rush and slack seasons. Investigations in many industries show that before and after Christmas and other seasons of pressure the total number of employees varies from about ten to fifty per cent. The total amount of wages paid varies even more widely. In individual cases, the seasonal fluctuation of wages amounts to 75 per cent.

United States Public Health Service. Bulletin No. 76. March, 1916. Health Insurance: Its Relation to the Public Health. B. S. WARREN, *Surgeon, U. S. Public Health Service, and* EDGAR SYDENSTRICKER, *Public Health Statistician, U. S. Public Health Service.*

From the comments of municipal health agencies, the following is selected as one which exhibits clearly a realization of the connection, in a single community, between the public health situation and the economic factor of unemployment.*

There is evidence in many directions that the tremendous amount of unemployment at present (January, 1915) existing is steadily undermining the health of the people. This lack of employment with its consequent poverty and destitution, brings about lowered vitality in its victims, weakens their resisting power, and lessens their immunity to disease.

It should be remembered that in addition to the irregularity of work occasioned by the practices and methods of industry, there are annually recurring seasons of unemployment, as well as even more intense periods of unemployment in times of industrial depression. The factor of irregularity of employment is thus one which not only is present to some extent all of the

* Toronto Health Bulletin for January, 1915.

time, but which varies in its importance from season to season and from year to year. (Page 18.)

Principles of Labor Legislation. JOHN R. COMMONS and JOHN B. ANDREWS. *Harpers, New York, 1916.*

In fixing standards for minimum wages, the question of regularity of employment is of great importance. Whether or not a worker can secure steady employment in a given industry is the factor which determines whether the "living wage" prescribed in an award provides a "living income" throughout the year. Until recently the problem has received but little attention in America, many of the awards thus far made being sufficient only for the needs of the current week. As no provision is made for savings, a girl who receives the minimum wage must run into debt or deny herself necessaries if she loses her position. Yet many low-paid industries whose wage rates are affected by minimum wage awards are notably irregular, as for example candy-making and paper-box making. In Massachusetts, in Oregon, and in Washington, however, wage losses from unemployment have been given some attention by wage boards. In Australia the time lost from industrial causes is often definitely computed in fixing wages. For instance, in setting the minimum hourly rate for dock laborers, the necessary cost of a week's living was divided by the average number of hours of work obtained weekly. (Page 182.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Volume II. Appendix IV. The Relation of Irregular Employment to the Living Wage for Women. IRENE OSGOOD ANDREWS, *Assistant Secretary, American Association for Labor Legislation.*

Irregular work is of several varieties. Most obvious is that complete loss of work occurring when an employee is dropped entirely from the pay-roll of an establishment. Such unemployment means the stopping

of all income and the discouraging—often heartbreaking—task of searching for a new job. At other times the employees are only temporarily "laid off". One department may be closed for a short time, or perhaps the entire establishment shuts down for a few days or weeks. Such periods of irregular work often extending over several months, are usually accompanied by a great deal of "short time" work—that is, employees may be retained on the pay-roll but have work for only a few hours a day with two or three days a week entirely unemployed. Thus a worker who averages $7 or $8 a week may earn during these months only $4 or $3 even $2 a week. Not only does this wage loss occur with piece workers but it affects with almost equal force, time workers. It is this "short time" work which plays havoc with the annual income of the steady worker and which is seldom, if ever, balanced by the short period of overtime work and increased earnings. For example, Katia, a skilled garment operative, had no work at all for two months and a half during the year. But out of the remaining nine months and a half she had only three months of full-time work. During the other six and a half months she never worked more than five days a week and sometimes as little as two days.

Again, firms sometimes make a practice of retaining as many of their workers as possible during the dull season but reducing the rate of pay in place of "laying off" the employees. (Page 509.)

In brief, then, we demand that the factory girl be on hand the moment she is "wanted", but the time she wastes waiting to be "wanted" is usually not cared for in any way nor are any steps taken as a rule to reduce this waiting period to a minimum. This unjust and unsocial policy tells its story in the anaemic and undernourished girl, the tubercular girl, the criminal girl and at times in the girl "gone wrong". (Page 511.)

The Paper Box Industry.

. . . Here is the typical variation of so many of the industries where large numbers of women are found

—very busy in the fall, dull after Christmas, busy in the spring and very dull in the summer.

Wherever data could be obtained, from Massachusetts to California, from Maryland to Oregon, and in the great industrial states of New York, New Jersey, Pennsylvania, Illinois and Wisconsin, a like alternation of rush seasons in the spring and fall with slack in the winter and summer was found. For instance, in Philadelphia an investigation of five firms in 1913 disclosed the fact that after Christmas they made wholesale dismissals to the extent of 24.3 per cent. of their force. In New York City last year the Factory Investigating Commission found that the number of employees rose to 6,700 just before Christmas and fell to 6,100 directly after that time. (Page 529.)

Summary.

The irregularity in the paper box industry, with the slack seasons in the summer and winter and busy seasons in the fall and spring, may best be realized by a study of the earnings. In contrast to the comparatively small 10 per cent. variation in the number employed at different seasons, we find a 30 per cent. fluctuation in wages, whether measured by averages or totals. The fluctuation in individual cases rises to 75 per cent. and over. In addition, wage gains do not equal wage losses, and the net result of seasonal irregularity is a loss in wages to the employee. (Page 545.)

The Confectionery Industry.

So many aspects does this industry present that it is even more difficult than usual to measure its irregularity. First, we find that during the four autumn months a much larger force of workers is used than can find places for the rest of the year. After Christmas, a good many employees are dismissed. At the same time the entire factory may close for a week or so, and in July this is still more likely to happen. Or perhaps the factory runs four or five days a week instead of the regular six. Many factories do not close as a whole, but dif-

ferent departments may close for a few days at a time through the dull season, according to the work on hand. Then too, the regular weekly schedule of hours is likely to be shorter in the slack than in the rush season, and often the actual hours worked are even less than these scheduled hours. (Pages 547-48.)

Besides "days in operation yearly" the other common method of measuring seasonal irregularity is that of giving the "average number employed by months". We have these figures for the women workers in Massachusetts, 1912, New Jersey, 1912, and Wisconsin, 1909, and for all workers in New York City, and up-state, September, 1912—September, 1913. . . . In every case the year is the latest for which the figures are compiled. The percentage of difference between the largest and smallest number employed is nearly 45 per cent. in New Jersey, and about 25 per cent. in the three other states. This latter figure corresponds closely to the per cent. of difference in numbers employed in quite a different locality, Kansas City, where a maximum of 900 and minimum of 670 were found, a difference of just about 25 per cent. (Pages 549-52.)

The "average number employed by months" indicates, therefore, the extent to which workers cannot find a place in the industry for the entire year, but conceals differences between establishments and tells nothing as to the effect of seasonal irregularity on those workers who keep their places throughout the year. (Page 553.)

Busy and dull seasons alternate in candy factories in the same way that they do in paper box factories. The industry is busiest in the fall, active before Easter and slack after Christmas and in the summer. On account of these seasonal variations, at least 25 per cent. of the whole number of women employed can find places in the trade only during the four fall months. Part of the great flux of workers in the industry, therefore, is not the fault of the workers themselves. The steady workers also lose in time and consequently in wages during the dull season, both through shorter hours and through the occasional closing of a department or the whole factory for

a few days. These losses in wages can be brought out in several different ways. There is a 35 per cent. variation in wages week by week in New York in contrast to a 25 per cent. fluctuation in numbers. In individual cases the difference rises as high as 75 per cent. These fluctuations result in wage losses.* (Pages 568-69.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. I. Report of Commission.

Irregularity of Employment and Lack of Standardization in Trades.

The trades that have been investigated are all seasonal, that is, for a certain period of time there is slack work or no work, which means that a great group of workers do not earn as much as the weekly rate quoted, and during some periods, varying from one to ten weeks, earn nothing at all. Twenty-five per cent. of the workers in the confectionery trade are discharged immediately after Christmas, and in the shirt industry there is a fluctuation of 33 per cent. Eighteen large department stores in New York City employed in their busy season before Christmas, about 56,000 people, and in their slack season, during the summer, about 35,000—a difference of about 21,000 people. The usual number employed is about 42,000. But this seasonal fluctuation by no means represents the extent of shifting from one establishment to another. In the confectionery and paper box industries three times as many people as the firms ordinarily employ at one time, entered and left the industries. Out of 3,983 workers employed in the millinery shops, only 17 per cent. appeared on the payroll of any one shop 40 weeks or longer in the year studied, while 52 per cent. worked but 8 weeks in the same shop.

The workers that are dismissed most quickly are the low paid workers who can least bear being out of work. Their wages are too low to admit of saving during the time of employment, and thus they are destitute of any

* For similar statistics as to other trades see op. cit., pages 570 ff.

means of self-support. For instance, Tina, an operator in a clothing manufacturing establishment received $7.00 to $8.00 a week when she was working full time and overtime. During slack season her earnings dropped to nothing, or to as little as $3.00 and $3.50 a week. Her total income for the year was $262.00. (Pages 38-39.)

It is believed that a Wage Board in each industry should not only consider the question of a weekly or hourly wage, and standardize minimum wage rates, but should take up the study of seasonal unemployment. This difficult problem has been met by Justice Higgins, of the Australian Commonwealth Arbitration Court, in establishing a minimum wage for the deck and wharf laborers. He found that men worked but thirty hours a week, considering both slack and busy season, and the minimum wage was based upon the cost of living for those workers. The award was provisional until such time as the employers had set their house in order, and devised means whereby steadier work would be provided. This emphasizes one point, namely, the obligation on the part of the industry to pay for time as well as service rendered. For instance, if girls are kept in a factory all day long, whether they work or not, the industry holding them there should pay for their time, which they may not use in any way for themselves. (Pages 49-50.)

Ibid. 1915. Vol. II. Appendix IV. Mercantile Establishments.

The accompanying chart shows the fluctuation of employment and wages in 38 representative stores, in eight different localities, outside of New York City, employing from 18 to 1,240 persons each. . . . The largest number of persons employed in any one week was 11,726, and the smallest number 8,266. The average number of persons employed during the year was 9,400. Similarly, the largest amount paid in wages during one week was $107,409, and the smallest amount $77,966. The average wage payments per week amounted to $89,134. For the calendar year, the average weekly wage of employees was $9.48. . . . We find that at its lowest point, the

number of employees is 11.08% below the average, and that of wage payments 12.5%. At their highest points, employment and wages are 24.7% and 20.5% above their respective averages.

Comparing the highest and lowest points, we find that the smallest number of persons during the year is 69.6% of the highest number; and the smallest wage payment for one week is 72.6% of the highest amount paid out. In other words, while there were employed, at the height of the holiday season, 44% more persons than at the slackest time, the highest amount paid out in wages shows an increase of 38% over the lowest amount. (Page 90.)

In New York City, 18 of the largest department stores were asked to register the greatest, smallest and most usual number of employees on their payrolls during the year 1913. The normal forces of these stores amounted to 41,828 persons; the maximum before Christmas totaled 55,587; and the lowest ebb in midsummer fell to 35,322 for all establishments. In other words, the fluctuation in the total number of employees was from 33% above normal to 15½% below—a difference of over 20,000 persons, or practically 50% of the regular force.

The stores vary greatly in regard to this rise and fall in numbers. One establishment on the list did not change 18% throughout the year. Another increased its force over 50% before Christmas; and a third cut down its personnel nearly 30% below the usual quota during the slack season. Some stores vary as much as 66% between seasons. (Page 92.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV. The Shirt Industry in New York State.

. . . The data [was] obtained for 33 firms located in New York City and 24 firms up-state. . . . In New York City during practically half the time (28 weeks) earnings are above the average for the year, though only moderately, with no sharp fluctuations. The average number of employees, compared with the annual average,

is increased by 8% at the period of greatest employment, and decreased 8.5% at the time of minimum employment. Earnings, likewise, show an increase of 9%, and a decrease of 11%. (Pages 211-212.)

The very different character of the up-state section of the industry is clearly shown. . . . The earnings are above the annual average during a period of 33 weeks, and for most of this time the increase is very marked. Compared with the average for the year, the number of employees at the height of employment is increased by 6%; and at the lowest point is decreased by 27.3%. The corresponding figures for the variations in earnings are an increase of 12% and decrease of 32.6%. It should be noted, however, that the large decreases are for short periods only. The greatest decrease occurs during July and August, when some factories close almost altogether for a period of about two weeks. The minor sharp but brief decreases are accounted for, as usual, by the occurrence of holidays. (Pages 212-13.)

These seasonal or occasional fluctuations in business not only cause variations in the total payroll, but also affect the earnings of individuals retained. One method of avoiding a complete shut-down is to work short hours every day or only on certain days of the week. This, of course, reduces the pay of both time and piece workers. The latter are frequently given a small number of sections sufficient to keep them going part of a day. In this way, receipts fall below the usual level. On the other hand, in a busy season or in view of a rush order, all hands may be speeded up and some work overtime, as we have seen.

For 197 female employees interviewed in New York City factories, $6.67 was found to be the average wage under normal conditions of the trade. In rush seasons this rises to $7.39, and falls to $5.13 in dull periods, that is a variation from 10% above normal to 22% below. An oscillation amounting to nearly one-third of the ordinary income must cause grave uncertainty among persons who expect to live on less than $7 a week.

Up-state our agents questioned 85 women and girls

upon this matter. In this number they found fourteen who reported no marked variation in wages from season to season. Of these, 3 were receiving less than $5 a week at the time of the investigation, and the other 11 from $6 to $12. The median wage for the remaining 71, according to our records, was $6.87. According to their own statements, their median wage at other seasons fell to $6.03. In individual cases the fluctuations are very wide. In one instance from $3 last spring to $10 in other seasons. In another case it was from $12 down to $5. But the net result of these variations was to reduce the mean weekly earnings 12% below the level reported when the investigation was under way. (Pages 213-214.)

Ibid. Vol. II. Appendix IV. The Paper Box Industry.

Beginning in the middle of November, 1912, the number of employees in the 147 factories scheduled was over 10,100. It fell to 9,500 after Christmas, but rose again to over 10,000 in March, 1913. From that time there was a steady decline until July, when the lowest number, 9,400, was reached. For the remainder of the year, the curve shows a continuous rise until October, the period of maximum employment, with almost 10,400 persons on the payrolls. Twice, therefore, in the course of the year, there was a distinct displacement of 10 per cent. of employees, most of whom, as is generally the case, were the lower paid factory workers. (Page 252.)

Now these oscillations involving from $10,000 to $15,000 within a brief time, must seriously affect the weekly incomes of about 6,300 persons. The piece-workers especially are well paid in a busy season, but fall far below their average at a slack time. For example, the average wage of all employees for the 3rd week was $8.66; for the 10th, it was $7.08, a difference of $1.58. In the 23rd week the average rose again to $8.76; fell off $1.35 in the next three months; and then rose again to $8.89. Obviously, for a worker with an average wage of $8.30, a 10 or 15 per cent. reduction is no slight matter. It must make a standard of living either pretty simple

or very elastic. For 194 women operatives questioned as to seasonal wages, $7.36 was found to be the average ordinary week's pay; but in rush season it was $8.13 and in dull periods $5.68. That is a variation from 10 per cent. above the usual earnings to 23 per cent. below. (Pages 252-253.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV. The Confectionery Industry in New York State.

Seasonal Fluctuations.

The yearly rise and fall of the confectionery trade in the State is shown graphically on the accompanying chart (Plate D). We note that, for the 45 firms in New York City and 16 firms up-state in operation throughout the year considered, the maximum number of employees, in November, 1912, was over 9,700. The minimum number employed, in the first part of July, 1913, was about 7,100. The annual displacement of workers amounted, therefore, to 27 per cent. of the full quota.

As for wage payments . . . the difference week by week was much greater than the variation in number of employees, and this is particularly true of the extreme fluctuations. The maximum amount paid as wages in any one week was $79,000, during December, 1912. The lowest weekly total (disregarding the Christmas—New Year holiday period) was $52,600, during the first week of July, 1913. The drop from the highest to the lowest payment was 34 per cent. while the two extremes were respectively 25 per cent. above and 18 per cent. below the average for the year. (Pages 321-322.)

The fluctuation of the confectionery trade at once suggests the query as to steadiness of employment. Many persons work during the busy season only, and comparatively few remain the entire year. The data on which the following table is based, show that of 3,138 workers appearing on the payrolls of 10 establishments in New York City within a year, only 629, or 20 per cent.,

had been in the employ of the firms for more than 10 months. Only 530 (16.9 per cent.) had been steadily employed from 49 to 52 weeks. Sixty per cent. were engaged 3 months only, and more than 40 per cent. less than 5 weeks.

A similar analysis for factory workers only, shows them to be slightly more temporary than the foregoing data indicate. Girls are more numerous and less permanent in tenure than men. Voluntary vacations play a very small part in the year's employment, since most factories don't give them to ordinary shop hands.

The factories from which these records were taken ordinarily employ from 719 to 1,390 people according to season. The average forces amount to about 953. The extent and rapidity of the shifting is therefore at once apparent. (Page 324.)

Ibid. Vol. IV. Appendix IV. Wages in the Millinery Trade.

. . . Transcriptions of the payroll for the entire calendar year were made in 40 shops, including one in which the current payroll was not copied. In the other 17 shops investigated, the statistics for the whole year were not available. In the 40 shops studied for the year the maximum force in the busy season was 2,016, but the total number of names appearing on the payrolls at any time in the twelve months was 3,983. (Page 371.)

. . . We may safely conclude that only in a markedly irregular trade would it be true that only 672 or 17 per cent. of the 3,983 workers employed in these shops in the course of a year appeared on the payroll of any one shop forty weeks or longer in those twelve months, while 52 per cent. were recorded eight weeks or less, and 780 or 20 per cent. one week or less. (Page 402.)

Although the seasons in wholesale and retail are not identical but rather supplement each other more or less, it is not possible for any large number of milliners to have 52 weeks of work even by passing from one branch of the trade to another. Table 23 shows that the periods of maximum employment for the majority of the shops

tend to concentrate in the same quarters of the year, regardless of the branch of the trade to which they belong.

Seventeen firms employed their maximum force in January, February, or March. Of course they had another busy season in the autumn, but for these firms the spring was the time of greatest activity in 1913. In eighteen firms business reached its height in July, August, or September. Only two retail firms employed their maximum force in the second quarter (April, May or June) and three, also having a retail trade, in the fourth quarter (October, November or December).

These facts indicate that at certain seasons of the year it would be impossible for wholesale workers to find positions in retail shops, or *vice versa*. Table 21 gives further evidence on this point by showing the total number employed, week by week, in all the shops investigated in all three branches of the trade. The maximum force was employed in the eighth week of the year. In the twenty-seventh week the number employed was but 42 per cent. of the maximum, so that presumably at that time 58 in every hundred milliners were out of work because no work was to be had in any branch of their trade. For the last eight weeks of the year the proportion employed never exceeded 57 per cent. of the maximum reached in the spring, leaving at least 43 in every hundred apparently without any place in the workrooms. (Pages 414-415.)

To determine the length of the season we have figured the number of weeks in which the force did not fall more than 10 per cent. below the maximum, and also the number in which the decline was not more than 25 per cent. below the maximum. Table 24 shows the facts.

The fact that in the retail shops there were only 25 weeks in the year when the force was not at least 25 per cent. below the maximum, 31 weeks in retail-wholesale, and 21 in wholesale, is an appalling revelation of what the seasons mean in the millinery trade. Even so liberal a measure as we have applied, namely the employment of a force not more than 25 per cent. below the maxi-

mum, results in classifying the industry as one in which the two busy seasons combined last but half the year. Nor are the fluctuations in jobs limited to any one group of workers in the trade.

TABLE 24.

Weeks of Employment of Maximum Force of Women in Millinery Establishments, by Main Branches of the Trade, 1913.

Branch of the trade.	Weeks in which number of women employed in each branch of the trade did not fall.	
	10 per cent. below maximum force employed in any one week.	25 per cent. below maximum force employed in any one week.
Retail	18	25
Retail-Wholesale	19	31
Wholesale	6	21
Total	11	25

. . . Much drifting may be due to the workers' own restless desire to change. It is obvious, however, that the trade itself now demands many more workers at one season that at another, so that for much of the shifting the industry can be held responsible. So ruthless a method of engaging and discharging workers would seem to indicate an abundant labor supply. (Pages 415-416.)

Summary.

All these facts relate, however, to the earnings in one week, without any allowance for the effect of short seasons on the worker's income. In the millinery trade it is the brief and uncertain tenure of employment in the course of the year which makes self-support difficult even for those whose rate of pay per week is not inadequate. We call all those weeks "busy" in which the force did not fall more than 25 per cent. below the maxi-

mum, and yet even so liberal a measure made it possible to count but 25 busy weeks in retail shops, 31 in retail-wholesale, and 21 in wholesale, and these brief periods were divided into two seasons. In the dull months few workers were retained. In the wholesale shops the minimum force was but 37 per cent. of the maximum, in retail 25 per cent., and in retail-wholesale 32 per cent. In other words, from 60 to 75 of every hundred workers employed in busy season were superfluous in dull season. Forced to find other work twice in the year, milliners tend to change positions frequently in their own trade. Of 1,278 who reported the length of their employment, 421, or a third, had been in their present positions less than one year, yet only 85 had had less than a year's experience as milliners. Only 270, or 21 per cent., had worked five years or longer in one shop. All these figures are added evidence as to the irregularity of employment and, therefore, the irregularity of income for milliners in New York.

In an effort to insure a living wage for the workers, no problem is more important or more baffling than the one illustrated so vividly in the millinery industry, so to steady the seasons and lengthen the period of employment as to make the yearly income certain and adequate. (Pages 431-432.)

Massachusetts Minimum Wage Commission, Bulletin No. 3. August, 1914. Statement and Decree Concerning the Wages of Women in the Brush Industry in Massachusetts.

It is frequently said by employers in this and other industries that rates are adequate to produce more than a mere living wage, with a suggestion that the meager earnings of the many are due to the choice of the workers themselves. But when one considers how desperately many of these young women need money, the fact that so overwhelming a majority do not earn what by any reasonable computation could be called a living wage makes the explanation seem unconvincing. In a few cases the fallacy is obvious. A piece rate is fixed which

permits a few exceptional workers to make fairly high earnings by the exercise of a degree of skill and application which an ordinary girl cannot approach. Looked at from the point of view of the workers, the remedy in these cases is also obvious. In a much larger number of cases the difficulty is found in the fact that the worker does not or cannot work the full time. Where the cause of this condition rests with the voluntary action of the girl, not superinduced by some physical or mental condition fairly chargeable to the employment, it may perhaps be disregarded in an inquiry of this character. Where, however, the part time is chargeable to the industry, either for reasons like those suggested or because under the organization of the industry work cannot be supplied to the worker sufficient to keep her employed full time, it is a factor that cannct be overlooked by a body charged with the duty of fixing minimum rates adequate for the purposes named in the statute. The question of short time seems to the commission, perhaps, the greatest single difficulty in connection with the wage situation in this and other Massachusetts industries. (Page 7.)

In this connection the commission is of opinion that employers should give their best thought to the problem of eliminating the great irregularity of employment and reducing the striking amount of part time which marks the industry. The business is not one necessarily seasonal in character. Nor does it seem to present any difficulty in this respect that enlightened business thought should not solve. In the judgment of the commission great advantage would result to the industry as a whole, and to the workers engaged in it, if such readjustment could be brought about that those whom the industry does employ should be given regular and full-time employment; and when such employment has been provided at rates which in full time are adequate, employers should insist that those who remain in the industry take full advantage of its opportunities. (Page 13.)

Report of the Social Survey Committee of the Consumers' League of Oregon on the Wages, Hours and Conditions of Work and Cost and Standard of Living of Women Wage-Earners in Oregon, With Special Reference to Portland. CAROLINE J. GLEASON. *Portland, Oregon, 1913.*

Periodic rush seasons come in the Christmas holidays and in the before-Easter and spring season. After Christmas a large percentage of the force in the large stores is laid off. As a general rule, the clerks expect dismissal to be on the basis of length of service, but they claim that they can never be certain of their positions even though employed for two years. One concrete instance was that of a girl in service for a year. A friend of the head of a department was put on for the Christmas rush; at the end of the holidays the new girl was given a permanent position, the old one laid off, the reason assigned being that she would not be needed in the dull season. Her mother was ill and dependent on her, and the girl was in hard straits for work. A friend, hearing of this, interceded and after a month's unemployment, she was taken back. (Page 29.)

The rush season for bag and paper box, candy and fur factories comes just before Christmas. Paper box and candy establishments are busy again from February to Easter, when the clothing season begins to "swing in full". Canneries maintain only a six months' season —from June until December.

The problem of unemployment which is suggested by the mention of "rush" and "dull" seasons is a serious one to the workers. Practically three-fourths of the wage-earning women of the State have to reckon on a period of unemployment which must be prepared for "somehow or other". (Page 34.)

In such trades as the clothing, shoe, candy and can making industries, which run all year, the applicant is always hoping for an opportunity to "make good" to the extent that she will be kept on when the dull season arrives. To her unemployment means a serious evil. Her wages during employment do not keep her well

housed and clothed. How can she save for the day when she will be out of work? Figures of the number employed in the two seasons in a few of the trades show the extent of the problem. Clothing factories hiring 300 and 150 dismiss 200 and 100 respectively in the dull season. Three other factories of different work employing 150, 80 and 20 respectively in the busy season dismiss 115, 60 and 15 in the dull season. Unemployment in other trades will be noted when they are described. (Pages 34-35.)

Like the factories and department stores, the laundries lay off a large percentage of their help during the dull season. The experienced ironers may find it possible to do family washing by the day, but for the more unskilled workers the problem of being out of work in the winter time is a serious one. (Page 36.)

Women and the Trades. Elizabeth Beardsley Butler. *The Pittsburgh Survey. Russell Sage Foundation Publication, New York, 1909.*

The obverse side of the fall rush is the summer depression. In January and February there is a slack season in the hard-candy trade, but in most of the factories the dull time comes during the warm months, beginning sometimes in May and lasting well through August. (Page 55.)

This long slack season brings up questions of wages. Is a candy maker's skill so slight that the girl will fit readily into some other equally unskilled occupation when the dull season comes? And does the dull season come at a time when other trades are busy? Or, if the opportunity for subsidiary occupation is small, are the wages received during the year sufficient to carry a wrapper or dipper through a possible two months of unemployment?

We need not touch on the girls in the packing departments, because very evidently they are a less dexterous and less characteristic element in the trade. But the dippers have a specialized dexterity which does not fit them to enter other occupations, such as canneries, on an

equal level. Furthermore, their dull season comes at a time when most other trades are also dull. Some few find employment selling candy in the parks or at places of amusement near the city; the majority have to count most of the summer as lost time.

This relation of wages to the slack season becomes acute in view of the proportion of girls in the trade who are obliged to be self-supporting. In the smaller factories the girls come from homes in the neighborhood, but a majority of the girls in the larger plants come from towns nearby to learn the trade, and are paying board in the city. For instance, one forewoman who directs about 100 chocolate dippers states that most of them are from homes outside of Pittsburgh, and that at least a third board with strangers. Yet less than one-fourth of the dippers (one-thirteenth of all the women in the trade) are earning wages that give them even a slight margin over living expenses. Even if we were to suppose that this slight margin is sufficient to carry a girl who is laid off through her season of unemployment, we could scarcely take it for granted that it is the more fortunate or able girl who is laid off. On the contrary, when forces are reduced, it is the girls with less ability, less accuracy, and a smaller output per day who go. It is the $7.00 girls, and the girls whose earnings are below $7.00. In part, of course, the girls return to their homes, and their families bear the loss due to seasonal unemployment. But in part the cost, in under-nutrition, in unsocial employment, is borne, as ultimately every individual human loss is borne, by the community of which the chocolate dippers are a part. (Pages 55-56.)

United States Congress. Senate Document No. 645. Report on Condition of Woman and Child Wage Earners in the United States. Vol. II. Men's Ready-Made Clothing. 61st Congress, 2nd Session, 1911.

The investigation of the Bureau of Labor into the employment of women and children in the men's clothing industry was carried on in the five cities of New York,

Chicago, Baltimore, Philadelphia and Rochester. In these cities 244 factories were investigated with a total labor force of 23,683 wage earners. Of these establishments 88 were in New York, 70 in Chicago, 22 in Baltimore, 39 in Philadelphia, and 25 in Rochester. (Page 13.)

In order to determine how far the earnings of the employees as shown by the payrolls of a single week were representative of earnings throughout the period of employment during a year, and in order to secure accurate information of the extent of employment and the earnings for a full year, a study was made of the payrolls for an entire year in a considerable number of establishments in Chicago, Rochester, Philadelphia and Baltimore. The enormous amount of work involved in the examination of the payrolls for an entire year made it impossible to carry out this part of the work for the full number of establishments included in the investigation.

An examination of the payrolls for a year disclosed the fact that a comparatively small per cent. of the total number of employees continued to appear throughout the payrolls for the year. In no city were more than 35 per cent. of the total number at work in the course of the year found on 50 or more weekly payrolls. In Baltimore the proportion was less than 10 per cent. (Pages 165-166.)

In Chicago work during 1907 was found to be fairly even throughout the year. The maximum number of employees, found in January, is only 103.6 per cent. of the average. The minimum number, found in April, is 95.3 per cent. of the average. The smallest numbers employed were in April, May and June, and again in November. The largest payroll, in March, is 116.3 per cent. of the average, the lowest in September, 85.9 per cent. The highest earnings of employees in March are 112.5 per cent. of the average; the lowest, in September, 85 per cent. The rush season seems to be January to April and June to August. September, October, and November are below the average.

In Rochester the variations are even slighter than in

Chicago. The highest number employed, in May, was 109.9 per cent. of the average; the lowest, in March, was 93.8 per cent. The largest payroll, in June, was 112.2 per cent. of the average; the smallest, in March, 92.3 per cent. The highest earnings per employee, in June, are 104.2 per cent. of the average; the lowest, in March, 98.4 per cent. (Page 175.)

In Philadelphia the highest number of employees was found in June—108.4 per cent. of the average; the lowest number in December—79.1 per cent. The highest payroll was 125.2 per cent. of the average, in January; the lowest payroll 47.2 per cent., in September. The highest weekly earnings per employee were 117.6 per cent., in January; the lowest 54.3 per cent., in September. January to June were busy months; July to December were considerably below the average except for the month of August.

In Baltimore the seasonal variations are marked. The highest number of employees was found in March, 126.6 per cent. of the average; the lowest in September, 72.1 per cent. The largest payroll was in February, 131.3 per cent. of the average; the lowest in September, 55.6 per cent. The highest earnings per employee were in February, 118.6 per cent. of the average; the lowest in April, 63.4 per cent. The busy season was in May and June, and again in November to March. August, September, and October were dull. (Page 175.)

Report of the Massachusetts Commission on Minimum Wage Boards, January, 1912. House Document No. 1697.

In 1908 the 83 factories reported that they were in operation on a weighted average 271.93 days out of the 305 working days, or 89 per cent. of the year. A factory is in operation even though only a small part of its force is employed.

There is little uniformity among the factories in the length of time which they are closed during the year. (Page 63.)

The following table shows the irregularity of em-

ployment as reported by 12 large factories. The month during which the maximum of workers were employed in each factory is counted for that factory as 100 per cent. The percentages for the other months are based on the maximum. Some establishments seem much better able to cope with the seasonal element. This point would not be brought out in any general average for the trade. Moreover, a general average would even down the irregularities, because the height of the season and the slack period do not come in the same month for the different factories.

Per Cent. of Women Employed, by Months, in the Several Candy Factories Which Reported Over 95 Employees.

Factory Number.	January.	February.	March.	April.	May.	June.
1	36.3	37.8	41.4	36.0	33.3	32.7
2	72.5	72.5	72.5	72.5	72.5	70.0
3	73.1	73.1	71.3	71.3	68.9	85.1
4	55.7	57.3	63.6	63.8	65.8	66.7
5	55.2	67.6	66.9	63.4	59.3	65.6
6	56.8	60.6	69.7	54.6	57.6	57.6
7	66.6	60.1	65.2	81.2	78.3	82.6
8	81.1	85.0	82.3	76.0	81.1	82.0
9	75.8	72.8	73.8	80.8	100.0	91.0
10	57.7	57.7	65.4	47.1	57.7	55.8
11	82.4	91.0	83.6	73.9	77.9	96.6
12	52.0	70.7	69.7	69.8	71.4	78.2

Per Cent. of Women Employed, by Months, in the Several Candy Factories Which Reported Over 95 Employees.*

Factory Number.	July.	August.	Sept.	Oct.	Nov.	Dec.
1	22.7	36.6	78.6	100.0	81.0	51.4
2	70.0	70.0	100.0	100.0	100.0	100.0
3	97.1	83.9	100.0	95.9	67.7	75.5
4	67.8	76.6	83.2	99.5	100.0	89.7
5	58.6	82.1	95.3	94.5	100.0	90.4
6	57.6	57.6	79.6	86.4	100.0	100.0
7	68.8	77.6	100.0	92.1	95.0	92.1
8	100.0	92.5	92.2	80.3	83.0	90.5
9	92.9	89.9	95.0	98.0	98.0	98.0
10	43.3	48.1	89.4	100.0	90.4	69.2
11	84.1	87.5	100.0	93.8	90.4	97.8
12	81.6	87.8	97.3	100.0	95.3	81.1

Artificial Flower Makers. Mary Van Kleeck. *Russell Sage Foundation Publication, New York, 1913.*

That flower makers face the problem of the seasons is shown first of all by the fluctuations in the numbers employed during the course of a year. Of 114 firms investigated, 101 reported the comparative numbers employed in their workrooms in busy and dull months. The maximum force of women in these shops was 4,470. In slack season only 873 of these 4,470 workers were still to be found in the workrooms, and of that number 385 were not flower makers only but worked on feathers also, according to the orders received. It was found that 46 firms employed no flower makers in their slack seasons, 15 employed less than five, and 13 employed between five and ten. (Page 40.)

It will thus be seen that in more than half the shops

*The highest monthly average is taken as 100, and the percentages for the other months are based on that. (Pages 66-67.)

the workers must expect a dull period of three or four months every year. During that time, as is shown by the figures indicating fluctuations in numbers employed, about one girl in every group of five will have work. The remaining four must look for other employment or else be idle. (Page 43.)

Part time is another phase of the problem. Firms may report that they keep their employees "all year round," and yet the workers may suffer the disadvantages of irregularity by a reduction in pay in dull weeks. For instance, a rose maker who earned $9 a week in the busy season was employed through the dull summer months, but she worked only three days a week with half pay, except for an occasional week when more orders were received. Even then she was paid $2 less than in the winter for a full week's work, a premium to the firm for not "laying her off". (Pages 43-44.)

At any rate it is true that not only is the year divided into dull and busy seasons, but within the busy season employment fluctuates in a way which cannot be foreseen. As an example of variations from season to season, one employer in a small shop showed his payroll for corresponding weeks in two successive years. In 1909 the total wages paid out in the second week in May amounted to $113.42, while in the same week in 1910 the total fell to $15. (Page 48.)

In spite of this versatility in combining trades, steady employment the year round is very unusual among the girls who are flower makers in the busy months in that trade. In every interview the visitor discussed with the girl the amount of time lost in the preceding twelve months. The reports of 105 appear in Tables 11 and 12.

TABLE 12.

Time Lost in the Year Preceding the Date of Interview Because of Slack Season by Women Employed in Artificial Flower Making.

Time lost.	Women losing the time specified.
"No time"	29
Less than 1 month	31
1 month and less than 3 months	31
3 months and less than 6 months	13
6 months and over	1
Total reporting	105

These figures are a record of the time actually lost, in spite of employment in other occupations when the season of flower making was over. Thus they do not show the total time out of work in the flower trade. (Pages 50-51.)

It may be roughly estimated here, however, that after workers have followed several different occupations in the course of a year only about one girl in seven will have received wages for fifty-two weeks. (Page 52.)

That the short and irregular season is a calamity for flower makers becomes more evident when the facts about wages in this trade are known. Furthermore, information about the home conditions and family responsibilities of these workers shows that low earnings and unemployment affect not only the individual wage earner but serve constantly to undermine the standard of living of the family group. (Page 58.)

Statistics of weekly wages cannot give a just impression of the real income of flower makers unless some effort be made to estimate the effect of irregular employment on yearly earnings. (Page 70.)

The average weekly wage of all the women investigated who had had a year or more of experience was $7.76. If employment were steady throughout the year this average weekly wage would amount to an average yearly income of about $400. Nevertheless, half the workers whose earnings in twelve months could be esti-

mated received less than $300. A rough comparison of these last two statements would indicate that the tax made by irregular employment on the income of flower makers amounts to about two dollars a week, a sum by no means insignificant. (Page 72.)

Women in the Bookbinding Trade. MARY VAN KLEECK. *Russell Sage Foundation Publication, New York, 1913.*

The foundation of this report was the industrial history of 201 women workers in the trade, combined with data secured from all the binderies in Manhattan. (Page 6.)

Most serious of all losses is the cut in yearly income due to the lack of work in dull seasons, or loss of time for other reasons. An accurate determination of yearly earnings is impossible unless the workers keep accounts, but the following estimate, made after very careful consideration of all the facts on our record cards, throws light on the workers' losses.

. . . If work were steady the average weekly wage of $7.22, which is recorded for the girls interviewed, would amount to a yearly income of about $375. But the estimate of yearly earnings shows that even though bindery girls find other work in dull seasons the median yearly income from all their occupations is about $308, indicating a loss of more than $50 in twelve months. This is not a small loss when the fact is realized that very few bindery girls earn $500 or more in a year. (Pages 84-86.)

Women in binderies in New York have experienced all sorts and conditions of irregular employment. . . . Nor does there appear to have been any systematic, successful effort either to prevent irregularity of employment or to lessen its evils. In the bookbinding trade, as well as in other occupations, this is one of the most baffling problems of industry. It concerns both men and women. It reduces earnings and lowers the standards of living. It checks the fullest development of efficiency, demoralizing the man or woman who must meet the

problem year after year under conditions so varied that the worker cannot measure with certainty the evils which the season may bring forth. (Pages 101-102.)

Of the maximum force of women employed in the busy season, 76 per cent., according to the statements of employers, are at work in the dull season. In different groups of binderies this proportion varies. In blankbook making 90 per cent. of the maximum force are at work in slack season, while in edition, pamphlet, and job binderies the minimum force is only 63 per cent. of the maximum in those establishments employing less than 50 women, and 81 per cent. in those employing 50 or more. Blankbook binderies appear to have the steadiest seasons. In edition, pamphlet, and job binderies unemployment is most serious in the smaller establishments employing less than 50 women.

. . . These figures indicate that the demand for workers so fluctuates that one of every four bindery women needed in the busy season is superfluous when the book market is dull. (Pages 106-108.)

TABLE 24.

Time Lost in Past[a] Year Because of Slack Season, by Women Employed in Bookbinding.[b]

Time lost.	Women who lost the time specified.
"No time"	40
Less than 1 month	27
1 month and less than 3 months	22
3 months and less than 6 months	14
6 months or more	8
Some time lost, length could not be estimated (part time, etc.)	37
Total reporting	148

(Page 118.)

[a]Preceding date of interview.

[b]Of the 201 women interviewed, 29 had not been wage-earners during the past full year, and 24 did not supply information.

Seasonal Fluctuations.—United States

The irregular employment of an expert folder who helps to bind a commercial register issued quarterly is pictured in Chart 4. She worked in the bindery from February 1 to March 7, and was laid off through March to the middle of May; worked from the middle of May to July, laid off two weeks in July; worked from August 1 to Labor Day, laid off Labor Day to the middle of November; worked from the middle of November to January 15. "It would have been better," she said, "to have had $6.00 a week steadily instead of earning $8.00 so irregularly."

Loss of earnings is not the only result of irregular employment. The discouraging effect on the worker, the reckless spirit which is often produced by the uncertainty whether one's job will end to-day or last another month, the habit of drifting from one occupation to another,—these are wholly demoralizing influences, and they become more demoralizing rather than less so in proportion as the worker's wages are needed for the support of her family. (Pages 123-124.)

The average wage reported by the group of girls interviewed by us was $7.22 a week, while the average reported by census enumerators in 1905 was even lower, $6.13. Yet it has been seen that women bookbinders are members of households in which it is difficult to make ends meet, and in which heavy responsibilities fall upon the women wage-earners. Their earnings are reduced still lower by reason of irregular work. Only about a third work in establishments reporting steady employment. Nearly three-fourths of the workers interviewed had frequently lost time in slack seasons. Only one in eight reported no time lost for any cause, while nearly a third reported a loss of one to three months during the year, and more than a fourth lost three months or more. An estimate of the approximate yearly income of bindery women shows that nearly three-fourths receive less than $400 in a year, in spite of their finding employment in other occupations when they have no work in bookbinding. (Page 220.)

Report of Special Commission to Investigate the Conditions of Wage-Earning Women and Minors in the State of Connecticut, 1913.

Conditions in Department Stores.

The seasonal nature of the work is one of its worst evils. For about three months in the spring and fall there is a very busy season which is followed by a three months slack period. On the part of the employers there are various ways of meeting this situation. Two firms lay off a majority of workers for all of the slack time, keeping only two older experienced workers throughout the year. One of the women questioned as to the hardships of this, said that she was forced to take in plain sewing or anything at hand at this time, but during the time she is employed in the stores she loses so many of her customers it is quite impossible to get a sufficient amount of work for a living income. One employer explained that for this reason he preferred married women with some source of income or dressmakers with an established business, but such discrimination is by no means always evident. (Page 237.)

The most common method is that of asking the worker to take a vacation. Whether they desire it or not the benefit of resting without earning is forced on them from four to eight weeks a year. This factor quite counterbalances high wages. Invariably the employees look forward with apprehension to the expense of enforced vacations. (Page 238.)

Considering the seasonal character of the work which forces from four to eight weeks vacation on all but a few of the most highly skilled and highly paid women, the question of decent existence must unavoidably be a pressing one to the girl thrown on her own resources. (Page 240.)

Report of the Industrial Welfare Commission of the State of Washington on the Wages, Conditions of Work and Cost and Standards of Living of Women Wage-Earners in Washington. CAROLINE J. GLEASON. *Olympia, Washington, 1914.*

Seasonal Work and Unemployment.—The distressing, complicated questions of seasonal work and of unemployment are the most vexing of the day. Every industry has its rush and dull periods. Manufacturers' busy seasons vary from three to six months. . . . Fruit and vegetable canneries are open in full force from June to October; then the work grows lighter and in December they close for another six months. Candy and cigar factories are busy in the fall and up to the Christmas time. A dull month follows, but February finds the candy makers busy again with the eggs and other fancies for Easter.

Seasons for retail stores vary somewhat with the class of wares carried. Confectionery stores which are usually operated in connection with ice-cream parlors are busiest in the summer months, but they, too, are rushed for a month before the winter holidays. The large department stores have a steadier flow of trade than do factories and laundries. Besides the seasonal "openings" which may last for two months at a time, there are spasmodic rushes centering around specially arranged sales. For the former, extra clerks are engaged, but during the latter, the shoppers are served by transferring saleswomen from one department to the "specials" counter. During the Christmas holiday rush some firms double the regular number of women employees. For some of the girls employment lasts through six weeks, but for others only three. But even the permanently employed force feels the weight of the slack winter season, because of the custom of giving unpaid "vacations" two weeks to a month in length.

The dull seasons are a problem to many girls. For it means that even during their periods of employment they have unproductive weeks ahead staring them in the face, and if possible they must save for these days when

they will probably be out of work. Some girls take advantage of the busy seasons in various industries, which come at different times of the year, and find employment at several lines of work for the greater part of the twelve months.

How the seasonal character of work may affect a wage-earner is apparent if we take 10 months a year as her maximum length of employment. Ten months approximate 43 weeks of employment, which at $10 a week would mean $430 as her annual income. Yet if the bare cost of living for her is $10 a week for 52 weeks, she is $90 short for the year. $430 a year averages $8.25 a week. And at that, steady employment for ten months would be unheard of good fortune for many a girl. (Pages 77-79.)

The Prevention of Destitution. Sidney and Beatrice Webb. *Longmans, Green & Co., London, 1911.*

To the workman, "unemployment" is not the attribute of a special class, or indeed, of any particular period or place, but the invariable accompaniment of the wage-earner's life in the present organization of industry. . . .

He realizes, perhaps more clearly than any other class, how incessantly the volume of his particular service that is demanded by the world, waxes and wanes—through the cyclical fluctuations of national trade, the yearly succession of the seasons, the unaccountable changes in taste or habit or fashion, the invention of new machines, the discovery of new materials, the adoption of new processes, the shifting of industry or population from one locality to another, the bankruptcy of this particular employer, or the death of another. He is, therefore, keenly alive to the fact that the one thing certain about every wage-earning employment is its perpetual insecurity, and the one assurance is that the number of the dismissals, at any one moment, at any particular season, or during any given year, can never be predicted in advance. This chronic insecurity and this incessant liability to change seems to him to be becoming more and more characteristic of industrial life. (Page 95.)

It is so difficult for those who do not belong to the wage-earning class to realize the position of the household dependent on weekly wages that we must, at the risk of wearisome iteration, once more insist that the evil with which we are dealing is not any abstract "state of the labor market," but the dismissal of a workman from his situation, the breach of continuity in his employment involving, as this does, so serious a dislocation of his own life, and of all the conditions of his family existence. (Page 110.)

Seasonal Trades. Edited by Sidney Webb *and* Arnold Freeman. *Constable & Co., London, 1912.*

We may realize from the variety of industries dealt with in this volume—a selection which is but a sample of many others, that practically all trades are "seasonal" to a greater or less extent. . . .

But every student of the problems of the poor, and every philanthropic worker, knows what difficulties and dangers, how many tragic family breakdowns and degradations of the Standard of Life, these recurrent periods of "slackness" are responsible for. (Page VI.)

. . . Investigation indicates that there are practically no trades which are not subject to seasonal as well as to cyclical fluctuations. (Page 4.)

It is with the manual worker living at the margin of sustenance and paid a bare existence wage, and that only for the time he is actually working, that the phenomenon assumes a vital and overwhelming importance. The manual worker could undoubtedly contemplate the cessation of his none too agreeable labors with as much complacence as the stock-broker starting for his summer vacation if it were not for the fact that his income and with it clothing, food, and shelter for himself and his family, cease with cessation of employment. The hope, often uncertain, that his trade will revive in a few months and reabsorb him is small comfort in the immediate necessity. His small savings quickly vanish, and every possession above the margin of necessity finds its way to the pawn-broker—clothing and furniture, home itself,

taking home to mean something more than four bare walls. The skilled worker is often protected to a certain extent by a meagre insurance allowance, and the unskilled worker by the occasional possibility of an alternative occupation, but irregular employment brings in its train at its best uncertainty of income and the lowering of the standard of life, and at its worst demoralization and the break-up of the family. (Pages 5-6.)

Thus to Adam Smith, as to many economists after him, even down to the present day, the question of irregular employment is mainly a question of wages. (Page 9.)

Among those living under great economic pressure there is a tendency for the standard of life to expand as far as possible within its narrow confines, like a gas under high pressure. The worker spends the larger part of whatever wages he gets. This holds true even when the wage becomes quite high. In America the iron-worker on the great skyscrapers finds ways to spend most of the high wage he earns for half the year, and often lives in great straits for the other half. Irregularity of income apparently encourages improvidence. Systematic arrangement of a family budget is possible only on the basis of a definite and regular income. In fact, the actual money value of the wage decreases with its irregularity. (Page 50.)

The waste due to the impossibility of systematic planning of expenditure and the higher prices paid because of credit make the wage quite inadequate even where the average throughout the year is normal. (Page 51.)

For women workers the evils of seasonal employment are even more conspicuous than in the case of men, and its effects more disastrous. (Page 53.)

The inadequacy of their wages quite precludes the idea of saving enough for slack times—even that "retrospective" form of saving which consists in pawning household belongings. Living with the greatest difficulty on the margin of sustenance, the cessation of their meagre income leaves them absolutely helpless and face to face with starvation. In this weak position it is often

difficult for them not to follow the only road which seems to lead away from pauperism. (Pages 53-54.)

The Establishment of Minimum Rates in the Chain-Making Industry Under the Trade Boards Act of 1909. R. H. TAWNEY. *The Ratan Tata Foundation, (University of London). Bell, London, 1914.*

The consequence of the absence of any standard rate is to add an additional irregularity—a fluctuating labor price—to the other irregularities—a fluctuating demand and varying prices of raw material, which cause an industry to be busy at one period and slack at another. When there is a stiff barrier in the way of a reduction in wages, the production of goods is checked as the demand for goods diminishes, because prices fall while costs remain the same. In the chain trade wages could be cut almost at will; and since, in times of slackening trade, piece prices could be reduced to the minimum at which the worker could be induced to go on making chain rather than go without work altogether, it paid employers to crowd as much production as possible into the period when wages were at their lowest, and to curtail production when, owing to the revival of trade, they would naturally have been rising. What they did, therefore, was to pile up stock when wages were low; a small shop often holding 60 or 70 tons of chain, a large firm some hundreds. (Page 67.)

The reduction in wages did not cause more chain to be made. It only caused more chain to be made when wages were at their lowest. And it intensified the irregularity of the industry. For it meant that the production of chain was going on steadily when there was no demand for the chain produced, and that when the demand revived, employers had enough chain on hand to carry them over the first few weeks or months of the boom, with the result that at the time when workers would naturally have tried to get higher piece prices they were without work at all. (Page 68.)

To these two great evils, the endless cutting of wages

and the accentuation of trade fluctuations caused by the fact that wages could be endlessly cut, the Trade Board has applied a remedy which would be most valuable even if the advance in earnings which it brought about were comparatively slight. No employer now can undersell another by reducing piece prices. No middleman can cajole the worker into accepting a reduced price on the ground that he has been beaten down by the factory. Both factory owner and middleman know exactly the lowest price which they must pay for labor, and tender for orders on that basis. The worker who gets iron from a middleman knows what price he or she should be paid, and the middleman, therefore, has to make his profit, not by cutting wages, but by obtaining reasonable terms from the ultimate employer. Equally important is the influence of the minimum rates in discouraging speculative production, the "rushing down of wages as an investment". (Page 70.)

Apart from their direct influence in increasing earnings, the minimum rates thus fixed (a) have checked the fluctuations in piece rates and earnings which used previously to take place; (b) are likely, in the opinion of employers and workers, somewhat to smooth out the fluctuations in production, which, in the past, were partially due to the absence of any minimum below which the price of labor could not be reduced. (Page 130.)

(c) TIME LOST IN SHIFTING.

Besides the recognized fluctuation of work and wages at rush seasons, the payrolls of most industries show that there is a very large amount of shifting of employees during the year, with consequent loss of time and pay. In some trades it has been found that several times as many workers are taken on and dropped during the year, as are retained. This shifting arises in part from industrial causes such as temporary dismissals owing to slack work, etc., or from personal reasons such as illness, changing jobs, etc.

When wages are so low that saving is impossible, the workers are obviously unable to maintain themselves during these periods of unemployment, while dropped from the payroll, ill, or looking for work between jobs. Statistics show that establishments in a given industry vary conspicuously in the number of months in which they retain their employees. Different establishments making the same products for the same market, prosper side by side with competing establishments under like industrial conditions which pay conspicuously lower wages and which maintain a far less permanent labor force.

*Bulletin of the United States Bureau of Labor Statistics. No. 182. January, 1916. Unemployment Among Women in Department and Other Retail Stores of Boston, Mass.**

To what extent a given wage rate will cover the cost

* The Massachusetts Minimum Wage Commission made a study in 1914 of the wages of women in mercantile establishments, but was too limited in funds to investigate the extent and causes of unemployment throughout the year and its relation to the rates of pay. As the United States Bureau of Labor Statistics and the United States Commission on Industrial Relations had agreed to share the expense of a study of the extent and

of healthful living can not be fully determined without information as to the amount of unemployment which must be expected in the industry to which the rate applies.

Obviously the extent and causes of unemployment will vary with the character of the industry, as the ebb and flow of business in some industries is much more marked than in others. An industry in which the worker must expect to lose more or less time during the year because of "shutdowns," lay offs, and slack work presents a disturbing uncertainty to those entirely dependent upon their earnings for support. If a woman so circumstanced is earning, when working full time, only enough to meet the demands of healthful and decent living, any time lost presents to her a serious problem. She must in some way meet the cost of living for the 52 weeks in the year. Every week that does not bring its pay envelope must levy its tax upon the weeks that at best are bringing only enough for their own needs.

But there are other causes of unemployment, some of which are as completely beyond the control of the worker as are "shutdowns," lay offs, and slack work. Occasional illness falls to the lot of the average worker, entailing not only loss of employment but additional expense. That it causes more loss of employment among women than among men, both German and English figures on sickness insurance shows. Furthermore the German figures furnish evidence that the amount of unemployment due to sickness varies with the industry. To what extent this variation is due to the demands of the occupation is not shown except in cases where occupational diseases have been made the subject of special study. In any case, the extent to which the unemployment of wage-earning women is caused by sickness must be determined before its influence on the wage can be measured and before there can be an intelligent discussion of the question as to whether provision for such un-

causes of unemployment among women in retail stores, Boston was chosen as the field for study at the invitation of the Massachusetts Minimum Wage Commission. Through this co-operation the results of the investigation became available to the bureau, to the United States Commission on Industrial Relations as a basis for its findings, and to the Massachusetts commission to supplement its own investigation.

employment should be made in wage determinations or by some form of social insurance. (Page 6.)

Manifestly, the normal wage-earning women are to be found principally among the regular employees and on them chiefly do the extent and causes of unemployment in the department and other retail stores have serious bearing. The year's record of unemployment calls for separate analysis in the case of the regular employees.

Pay-roll data covering the year ending July 31, 1914, were available in 15 department and other retail stores in Boston. Agents of the United States Bureau of Labor Statistics visited the homes of 1,763 of the women employed in these stores and interviewed personally the women themselves or members of their immediate families. Of this number 1,156 were regular employees.* Excluding from consideration as employment or as unemployment the time before entering or after leaving industrial pursuits (amounting to an average of 2.4 weeks), the average period of possible employment during the year for the 1,156 women was found to be 49.6 weeks. The average unemployment during this period was found to be 6.4 weeks.

Sickness leads all causes of lost time, accounting for 30.2 per cent. of the unemployment and affecting 78.5 per cent. of the women employed as regulars. From this time lost through illness is excluded all sick leave during which the worker received pay from the firm directly. Sickness in the family and other home demands affected over one-fifth of the women and accounted for nearly one-fifth of the total period of unemployment. (Page 8.)

A scrutiny of the principal causes of unemployment reveals some impressive facts. These are brought out in Table 5, which follows, showing by occupation groups for the 1156 regulars the per cent. of unemployment due to specified causes.

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*In these stores the total number of employees was 5,985 regulars and 5,600 "extras" or part time workers. The discrepancy between the amount of unemployment in this report and in that given on page 281 is in part explained by the different organization of mercantile establishments in different cities and by a difference in methods of computation. The "extras" or part-time workers are here separately considered; they are more often treated together with the regular workers and thus emphasize the shifting among the total number of employees.

TABLE 5.

Per Cent. of unemployment during the year, due to each specified cause, among 1,156 women employed as regulars only, by occupation groups.

[Occupations shown in this table refer to work in stores only; the occupations while employed in other industries are not given. All who lost less than 6 days have been excluded from this table. Lost time for which the firm paid wages has not been included as unemployment. For an accurate understanding of the unemployment due to each specified cause this table must be considered in connection with Table 4. The data upon which this table is based are given in full in Table 48.]

Causes of unemployment.	Per cent. of unemployment due to each specified cause among—						
	Saleswomen.	Cashiers, examiners, etc.	Office Employees.	Workroom Employees.	Stock girls.	Others.	Total.
Sickness of employee	31.6	25.0	55.1	11.0	39.1	42.2	30.2
Enforced lay off	10.8	14.4	6.5	56.6	12.9	4.3	16.1
Inability to get work	10.1	25.0	11.0	19.1	41.2	40.7	15.8
Unpaid vacation	16.0	8.8	16.0	6.5	6.2	9.6	13.1
Sickness in employee's family	14.0	7.7	8.7	4.9	.5	1.7	10.6
Home responsibilities	7.3	14.6	1.3	1.0	—	.7	7.4
Other causes	10.2	4.5	1.4	.9	.1	.8	6.8
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

The above table shows that 30.2 per cent. of the 6.4 weeks lost during the period of possible employment was due to the sickness of the worker. As has been stated before, it is not the purpose of this report to attempt to trace the relation between occupation and sickness, but simply to state the causes assigned for absences from duty. This large percentage, however, can not but suggest that undesirable conditions prevail. Approximately 16 per cent. of the unemployment was due to enforced lay off and about the same proportion to inability to get work. Over 13 per cent. was due to unpaid vacation, and about 11 per cent. was caused by sickness in the family of the worker. The remaining 14.2 per cent. was distributed almost equally between home responsibilities and

other causes. Equally important are the figures showing the per cent. of women reporting unemployment due to the causes just mentioned. These are given in the table which follows.

TABLE 6.

Per Cent. reporting specified causes of unemployment during year, among 1,156 women employed as regulars only, by occupation groups.

[Occupations shown in this table refer to work in stores only; the occupations while employed in other industries are not given. All who lost less than 6 days have been excluded from this table. Lost time for which the firm paid wages has not been included as unemployment.]

Cause of unemployment.	Per cent reporting each specified cause of unemployment among—						
	Saleswomen.	Cashiers, examiners, etc.	Office Employees.	Workroom Employees.	Stock girls.	All other occupations.	Total
Sickness of employee	79.9	75.8	85.0	59.2	88.0	77.1	78.5
Enforced lay off	29.8	33.3	13.2	85.5	40.0	11.4	31.5
Inability to get work	12.5	27.0	7.8	11.8	20.0	22.9	15.4
Unpaid vacation	47.9	30.2	34.7	26.3	16.0	37.1	39.7
Sickness in employee's family	15.8	11.9	13.8	21.1	8.0	8.6	14.6
Home responsibilities	6.5	9.5	2.4	3.9	—	2.9	6.7
Other causes	15.0	20.6	7.2	13.2	4.0	14.3	14.1

Of the total number of women, 78.5 per cent. reported sickness, 39.7 per cent. reported unpaid vacation, 31.5 per cent. reported enforced lay off, and 15.4 per cent. reported inability to get work, as causes of unemployment. It is obvious, then, that the factor which exerts the most influence on unemployment is illness of the worker. A study of the occupation groups shows very marked differences in the amounts of unemployment and in the causes thereof.

As shown in Table 4 the average number of weeks during the period studied over which the saleswomen's periods of employment extended was 51. The total amount of unemployment which the saleswomen had dur-

ing this period amounted to 13.1 per cent. of the entire time—equivalent to 6.7 weeks, so that the weeks of full-time employment amounted to only 44.3.

The predominating reason given for unemployment in this, as in nearly every other occupation, was sickness—sickness that varied in duration from half a day to several weeks, and embraced every ailment from a slight indisposition to a serious operation. As shown in Table 5, 31.6 per cent. of all the unemployment reported by saleswomen during the period of employment was due to this cause alone. When it is further considered that about 80 per cent. of the saleswomen lost time because of sickness and that for every 24 days worked by saleswomen one was lost because of sickness, the industrial importance of this cause, as well as its importance to the individual, becomes apparent. For the 601 saleswomen the amount of sickness averaged nearly 13 days and for the 480 who reported it about 16 days.* It should be understood that this does not include all sickness during the year, but only what was reported as resulting in loss of wages during the period of possible employment (51 weeks).

The "unpaid vacation" constituted 16 per cent. of the total amount of unemployment of saleswomen. It was reported by 288, or 47.9 per cent. of the 601 saleswomen, and averaged for them about 2 weeks apiece.

Sickness in the families of the saleswomen caused 14 per cent. of the total unemployment.

Enforced lay offs play an important part in the unemployment of saleswomen though not nearly as important as in some other occupations, 10.8 per cent. of their unemployment being due to this cause.

Inability to get work caused 10.1 per cent. of the unemployment, and home responsibilities 7.3 per cent. The other causes amount, altogether, to 10.2 per cent. of the total. (Page 21.)

* See Table 48, p. 67, for data on which these averages are based.

*Massachusetts Minimum Wage Commission. Bulletin No. 4, October, 1914. Wages of Women in the Candy Factories in Massachusetts.**

Fluctuation of Employment.

Table V. (a) shows the fluctuation of employment among the total number of workers for the twelve months under consideration. . . . The table shows that the greater number of women worked less than the five months out of the twelve. Not all of this majority were unemployed for the other seven months on account of dull periods in the industry; some of them gave up work in candy factories in order to do something else; others entered the factories only a few months before the close of the year. It is not possible, however, to determine why a person's name disappears from the pay roll, or whether or not it will appear again. Consequently, Table V (a) represents as accurately as possible the fluctuation in employment among the body of workers studied.

The floor girls seem to have been more irregular in their employment than any others. Their work is, of course, unskilled, and they can easily enter the occupation and as readily leave it for promotion or for some other form of unskilled labor elsewhere. The other occupations do not vary greatly from the averages for the whole industry.

A far more surprising degree of variation is shown in the employment percentages for different establishments. Some factories, for instance No. 1, keep more

* In this and the following Massachusetts bulletins all records of persons who appeared on the pay roll for less than four weeks out of the fifty-two under consideration were thrown out. This was done in order that the conclusions reached might apply only to workers who could legitimately be considered a part of the normal working force of the industry.

In computing weekly earnings and hours worked each week for individual workers, the procedure for each individual was as follows: the sum of all payments made during the fifty-two-week period,—that is, the girl's total income from her work for the year,—was found. This sum was divided by the number of weeks during which she was actually at work, as indicated by the number of weekly payments made to her. In this way her average weekly earnings for the time she was at work in the industry under consideration were ascertained.

part of the year; others keep only about a fourth at work for that length of time. These variations depend to some extent upon the kind of product in which the factories specialize. The small establishments, which manufacture only high-grade goods to be retailed on the premises, make an effort to secure skilled permanent workers by the payment of high wages, the offer of regular employment throughout the year, and the practice of giving vacations with pay. The large concerns making a specialty of high-grade chocolates seek to obtain the same result for at least part of the year through paying a bonus, usually 10 per cent. of the wages received from the commencement of the busy season in August or September until the 1st of the following January. One company has a profit-sharing system, each employee who has been there for a period of some four months preceding January, 1914, having received 10 per cent. of the total amount received for each full week worked during the year 1913. In general, the table shows that the candy kitchens and those establishments which give a bonus keep their employees longer than other concerns but this relation is not in every case as marked as might be expected. (Pages 24-25.)

Table V. (b)

Fluctuations of Employment Among 3,326 Workers: by Establishments.

Establishments.	Per Cent. of Workers Employed for Specified Number of Months—											
	12	11	10	9	8	7	6	5	4	3	2	1
No. 1	.5	32.4	39.3	41.5	43.8	48.7	53.9	58.6	65.2	75.0	85.3	100
No. 2	1.6	14.6	18.7	22.3	23.7	27.7	32.1	37.2	46.3	59.3	71.6	100
No. 3	3.6	25.1	29.6	33.6	36.5	41.0	44.6	49.2	55.7	62.9	76.2	100
No. 4	1.8	13.3	16.8	20.7	22.5	24.9	28.8	33.0	38.9	48.1	63.2	100
No. 5	1.1	23.6	26.1	29.0	31.9	34.8	39.1	47.5	57.2	64.5	80.8	100
No. 6	2.2	12.8	16.1	17.9	19.0	23.1	27.5	30.8	42.5	55.7	71.4	100
No. 7	11.6	20.2	24.4	27.5	29.8	32.9	36.8	40.7	50.4	60.1	73.6	100
No. 8	—	23.4	31.2	32.5	32.5	33.8	39.0	49.4	59.7	63.6	76.6	100
No. 9	8.6	13.8	15.5	19.0	25.9	27.6	32.8	39.7	46.6	56.9	67.2	100
No. 10	16.1	25.0	26.8	32.1	32.1	32.1	32.1	44.6	48.2	51.8	67.9	100
No. 11	2.6	13.2	13.2	15.8	18.4	21.1	23.7	28.9	42.1	52.6	76.3	100
No. 12	—	58.3	66.7	66.7	66.7	75.0	75.0	75.0	91.7	91.7	100.0	100
No. 13	—	50.0	50.0	50.0	50.0	50.0	50.0	50.0	75.0	100.0	100.0	100
No. 14	—	71.4	71.4	71.4	71.4	71.4	71.4	71.4	85.7	85.7	100.0	100
Total	2.6	21.8	26.4	29.4	31.4	35.2	39.6	44.7	53.0	63.1	76.0	100

(Page 35.)

Time Lost in Shifting.—United States.

Massachusetts Minimum Wage Commission. Bulletin No. 5. October, 1914. Wages of Women in the Laundries in Massachusetts.

In Tables VII and VIII and in Diagram II the question of fluctuation of employment is taken under consideration. Table VII presents the percentage of the employees who were at work for the specified number of months. In the last column, that of the number who were employed for at least one month, the percentage is in each case 100, for the reason that all those who were not at work for at least four weeks were not tabulated. . . . Marked differences are seen among the occupations in the regularity of the employment which they offer. On the whole the skilled occupations have kept the steadiest workers. Not quite one-half the workers had employment for five months or more.

From the records available for the commission's use it is not clear that the amount of absence shown may be called strictly unemployment. When a name disappears from a pay roll in the sixth month of the year, for example, it is not clear whether a girl has left of her own accord for one of many possible reasons, whether she has been laid off by her employer for one reason or another, or whether her name will again appear on the pay roll in which latter case she will probably have left the industry, or at any rate have gone to work in another establishment, and cannot accurately be termed unemployed. The material which could be obtained on this question was not a matter of record and appeared highly unreliable. Consequently caution has been used in terming the situation "unemployment".

In Table VIII the same set of facts is set forth with its relation to the separate establishments. A very considerable difference is shown among the establishments, indicating at least that tendencies toward irregularity in work are stronger in some laundries than in others. (Page 26.)

Table VIII.

Fluctuation of Employment Among 2,961 Workers: by Establishments.

Establishments.	Per Cent. of Workers Employed for Specified Number of Months—											
	12	11	10	9	8	7	6	5	4	3	2	1
No. 1	5.9	9.9	12.2	14.5	16.1	19.4	21.7	24.7	34.2	46.4	59.5	100
No. 2	7.2	22.7	26.0	28.2	32.0	39.2	44.2	46.4	53.6	60.8	78.5	100
No. 3	8.4	41.9	45.5	50.9	53.3	60.5	64.1	70.7	74.3	80.8	89.2	100
No. 4	11.9	28.3	32.7	34.6	39.0	43.4	48.4	49.7	66.7	71.7	83.0	100
No. 5	2.6	13.8	15.1	17.1	18.4	23.0	28.9	32.2	38.8	50.7	65.8	100
No. 6	5.6	41.9	49.2	50.8	51.6	53.2	58.1	60.5	66.9	77.4	84.7	100
No. 7	16.1	27.1	31.4	32.2	35.6	39.8	44.1	49.2	55.9	66.9	75.4	100
No. 8	13.9	33.3	38.0	39.8	42.6	49.1	56.5	60.2	62.0	67.6	80.6	100
No. 9	12.7	19.6	23.5	30.4	34.3	37.3	43.1	50.0	61.8	74.5	83.3	100
No. 10	6.0	17.0	24.0	26.0	30.0	36.0	43.0	46.0	57.0	64.0	79.0	100
No. 11	9.5	14.7	18.9	21.1	23.2	28.4	34.7	38.9	48.4	53.7	63.2	100
No. 12	6.4	20.2	25.5	29.8	34.0	37.2	45.7	50.0	60.6	72.3	78.7	100
No. 13	2.3	24.4	26.7	29.1	32.6	36.D	39.5	44.2	55.8	64.0	76.7	100
No. 14	7.0	47.7	52.3	55.8	60.5	61.6	64.0	65.1	73.3	79.1	83.7	100
No. 15	3.7	12.2	20.7	28.0	35.4	40.2	43.9	48.8	53.7	67.1	79.3	100
No. 16	15.0	37.5	45.0	48.8	55.0	57.5	66.3	66.3	73.8	83.8	87.5	100
No. 17	29.2	58.3	62.5	65.3	66.7	68.1	70.8	75.0	80.6	86.1	91.7	100
No. 18	7.0	28.2	35.2	36.6	36.6	40.8	47.9	49.3	54.9	60.6	73.2	100
No. 19	6.0	37.3	44.8	44.8	49.3	55.2	58.2	59.7	71.6	74.6	83.6	100
No. 20	7.6	9.1	9.1	9.1	10.0	13.6	24.2	25.8	40.9	53.0	72.7	100
No. 21	4.8	7.9	11.1	12.7	14.3	31.7	36.5	39.7	50.8	58.7	69.8	100
No. 22	17.5	41.3	44.4	46.0	50.8	61.9	69.8	73.0	81.0	92.1	96.8	100
No. 23	18.9	43.4	52.8	56.6	58.5	60.4	60.4	60.4	66.0	71.7	83.0	100
No. 24	11.8	25.5	27.5	31.4	39.2	41.2	41.2	45.1	52.9	62.7	72.5	100
No. 25	3.9	27.5	29.4	33.3	33.3	37.3	43.1	43.1	58.8	62.7	78.4	100
No. 26	13.9	27.9	32.6	39.5	46.5	48.8	51.2	58.1	65.1	74.4	83 7	100
No. 27	2.5	5.0	5.0	5.0	5.0	10.0	15.0	20.0	22.5	30.0	40.0	100
No. 28	5.0	15.0	15.0	22.5	27.5	35.0	37.5	45.0	65.0	75.0	77.5	100
No. 29	12.8	30.8	30.8	33.3	38.5	41.0	43.6	48.7	61.5	71.8	79.5	100
No. 30	11.8	32.3	32.3	35.3	47.1	47.1	53.0	55.9	64.7	79.4	85.3	100
No. 31	2.9	8.8	14.7	14.7	20.6	26.5	32.4	32.4	38.2	50.0	58 8	100
No. 32	15.2	30.3	36.4	36.4	42.4	45.5	54.5	54.5	57.6	63.6	72.7	100
No. 33	30.0	46.7	56.7	56.7	63.3	66.7	73.3	80.0	80.0	86.7	96.7	100
No. 34	30.8	38.5	42.3	46.2	50.0	57.7	61.5	69.2	76.9	80.8	96.2	100
No. 35	4.0	20.0	24.0	40.0	40.0	52.0	52.0	52.0	60.0	72.0	76.0	100
No. 36	18.2	45.5	50.0	59.1	59.1	63.6	63.6	68.2	77.3	81.8	86.4	100
Total	9.4	25.9	30.2	33.0	36.2	40.9	45.7	49.1	57.6	66.4	77.1	100

(Page 10.)

Time Lost in Shifting.—United States.

Massachusetts Minimum Wage Commission. Bulletin No. 8, September, 1915. Wages of Women in the Paper Box Factories in Massachusetts.

Table 8 shows the fluctuation of employment for all of the factories studied and among the various occupations. The figures demonstrate the extent of the flux among the working force, as a whole, and the greater instability among the comparatively unskilled and low-paid occupations. On the other hand, topping, labeling and stripping show the largest number of workers who remain at their occupations for the entire fifty-two weeks of the year. A fact previously mentioned should be noted throughout the entire discussion of the fluctuation of employment, namely, that the figures presented do not purport to portray the extent of unemployment for the industry as a whole, but merely to give a summary of the pay rolls of the 24 factories studied. It is important to note in Table 9 that similar differences exist among the various establishments, a fact not easy to account for, since the variations are apparently not related to the level of wages paid or to the character of the product. (Page 23.)

COPY BOUND CLOSE IN CENTER

Table 9.

Fluctuation of Employment Among 2,178 Workers: by Establishments.

Establishments.	Per Cent. of Workers Employed for Specified Number of Months—											
	12	11	10	9	8	7	6	5	4	3	2	1
No. 1	1.5	52.6	63.2	69.9	73.1	76.6	81.3	83.9	88.9	91.5	95 6	100
No. 2	6.4	15.4	20.2	22.9	25.5	28.7	31.9	36.7	48.4	56.9	71.8	100
No. 3	—	29.7	34.6	37.3	41.6	44.9	45.4	48.6	58.4	64.3	76.8	100
No. 4	7.1	33.3	45.4	48.1	51.9	60.7	65.6	69.9	74.9	80.3	87.4	100
No. 5	7.5	61.6	64.4	69.9	74.0	77.4	79.5	81.5	84.9	87.7	90.4	100
No. 6	—	32.1	40.0	42.1	45.0	55.0	61.4	64.3	76.4	80.0	87.1	100
No. 7	13.3	35.2	42.2	48.4	51.6	54.7	58.6	68.0	74.2	78.1	83.6	100
No. 8	10.3	30.2	34.1	37.3	39.7	46.8	50.0	57.1	68.3	74.6	81.7	100
No. 9	7.1	41.8	53.1	56.1	57.1	59.2	61.2	64.3	71.4	84.7	89.8	100
No. 10	1.2	20.9	25.6	26.7	27.9	30.2	34.9	37.2	45.3	60.5	70.9	100
No. 11	1.2	26.7	41.9	43.0	46.5	48.8	51.2	55.8	62.8	75.6	82.6	100
No. 12	27.9	44.1	52.9	61.8	64.7	69.1	75.0	77.9	77.9	80.9	89.7	100
No. 13	32.8	60.7	62.3	67.2	67.2	72.1	73.8	75.4	82.0	86.9	91.8	100
No. 14	—	17.0	27.7	31.9	36.2	48.9	53.2	57.4	70.2	85.1	87.2	100
No. 15	—	2.2	10.9	17.4	21.7	23.9	23.9	34.8	43.5	50.0	65.2	100
No. 16	—	40.5	70.3	73.0	75.7	78.4	81.1	83.8	83.8	86.5	97.3	100
No. 17	11.1	61.1	83.3	86.1	88.9	94.4	97.2	97.2	97.2	100.0	100.0	100
No. 18	15.2	48.5	54.5	60.6	60.6	60.6	63.6	69.7	84.8	90.9	97.0	100
No. 19	7.1	46.4	60.7	60.7	60.7	78.6	78.6	78.6	85.7	89.3	96.4	100
No. 20	37.0	59.3	63.0	66.7	74.1	77.8	81.5	81.5	85.2	88.9	96.3	100
No. 21	—	14.8	63.0	70.4	81.5	81.5	81.5	88.9	88.9	92.6	96.3	100
No. 22	—	26.9	38.5	42.3	42.3	42.3	57.7	61.5	73.1	84.6	96.2	100
No. 23	35.3	58.8	64.7	76.5	82.4	82.4	82.4	82.4	82.4	94.1	100.0	100
No. 24	17.6	35.3	41.2	47.1	52.9	58.8	58.8	58.8	64.7	82.4	88.2	100
Total	6.8	37.2	46.1	50.2	53.4	58.0	61.5	65.4	72.5	78.7	86.1	100

(Page 33.)

Massachusetts Minimum Wage Commission. Bulletin No. 9. September, 1915. Wages of Women in Women's Clothing Factories in Massachusetts.

In Tables 8 and 9 the fluctuation and duration of employment are analyzed. Table 8 shows the number of employees in each occupation who remained at work for the specified number of months. In the first column, consisting of those who worked for fifty-two weeks without vacation, the number is naturally small. In the second column, consisting of those who worked for forty-eight or more weeks, the number is still small, and only in the case of one occupation, sample making, does it include one-half of the employees. Plain finishers, examiners and drapers are next in order in this group. On the whole, the more skilled occupations afford steadier employment.

From the records available for the Commission's use it is not clear that the amount of absence shown may be called strictly unemployment. . . .

In Table 9 the duration of employment is analyzed according to the establishments involved. The more skilled group, the cloak, suit and skirt workers, show themselves to be the steadier workers. They are employed more months during the year, but work on an average less number of hours a week than dress and waist workers. This is to be explained by the fact that there are two distinct busy seasons for cloak, suit and skirt workers, thus making the employment in a sense more regular than the dress and waist workers, who have the one busy season in the spring and work longer hours as a result. The tendency toward irregularity of work is much greater in some establishments than in others. (Pages 19-20.)

TABLE 9.

Fluctuation of Employment among 1,961 Workers: by Establishments.
Dress and Waist.

Establishments.	Per Cent. of Workers Employed for Specified Number of Months—											
	12	11	10	9	8	7	6	5	4	3	2	1
No. 1	—	—	—	4.0	17.3	27.4	39.4	45.1	54.9	63.7	70.4	100
No. 2	8.4	23.9	26.5	29.7	31.6	34.8	37.4	39.4	45.8	53.5	67.1	100
No. 3	.9	5.2	14.7	19.8	28.4	37.9	39.7	40.5	56.0	68.1	81.0	100
No. 4	1.7	5.2	8.7	13.9	17.4	20.9	27.8	27.8	39.1	47.0	57.4	100
No. 5	—	9.0	18.0	23.4	25.2	28.8	32.4	36.0	45.9	55.9	77.5	100
No. 6	1.1	2.2	2.2	5.6	5.6	5.6	10.1	14.6	29.2	41.6	55.1	100
No. 7	—	43.5	54.1	57.6	60.0	64.7	69.4	72.9	77.6	83.5	89.4	100
No. 8	4.9	25.6	35.4	36.6	39.0	39.0	42.7	43.9	52.4	62.2	72.0	100
No. 9	10.7	32.0	38.7	44.0	44.0	48.0	48.0	52.0	60.0	69.3	72.0	100
No. 10	4.2	11.1	18.1	23.6	27.8	31.9	37.5	44.4	52.8	73.6	84.7	100
No. 11	1.4	4.3	5.8	10.1	13.0	14.5	17.4	17.4	26.1	33.3	43.5	100
No. 12	—	1.5	1.5	1.5	3.1	6.2	7.7	12.3	21.5	35.4	61.5	100
No. 13	1.6	4.8	9.5	12.7	14.3	19.0	20.6	20.6	38.1	42.9	50.8	100
No. 14	—	—	37.3	45.8	55.9	66.1	67.8	72.9	86.4	93.2	94.9	100
No. 15	1.7	43.1	55.2	60.3	70.7	79.3	81.0	82.8	84.5	84.5	91.4	100
No. 16	2.1	22.9	45.8	54.2	58.3	64.6	66.7	68.8	70.8	72.9	75.0	100
No. 17	—	2.3	11.6	16.3	25.6	30.2	32.6	32.6	44.2	55.8	65.1	100
No. 18	—	16.7	19.4	19.4	19.4	36.1	36.1	38.9	55.6	61.1	75.0	100
No. 19	2.9	20.0	22.9	22.9	22.9	28.6	37.1	42.9	42.9	45.7	51.4	100
No. 20	—	20.0	20.0	23.3	26.7	26.7	43.3	56.7	83.3	86.7	86.7	100
No. 21	—	23.3	63.3	66.7	73.3	76.7	80.0	83.3	86.7	90.0	93.3	100
No. 22	3.4	20.7	24.1	24.1	31.0	37.9	41.4	51.7	55.2	58.6	69.0	100
Total	2.2	13.4	20.5	24.5	29.4	34.7	39.3	42.6	52.3	60.9	71.1	100

(Page 32.)

Cloak, Suit and Skirt.

Establishments.	Per Cent. of Workers Employed for Specified Number of Months—											
	12	11	10	9	8	7	6	5	4	3	2	1
No. 23	—	14.6	45.8	47.9	54.2	58.3	58.3	64.6	72.9	83.3	87.5	100
No. 24	—	—	6.9	10.3	20.7	27.6	37.9	37.9	44.8	51.7	72.4	100
No. 25	—	3.7	11.1	22.2	22.2	29.6	44.4	44.4	55.6	59.3	85.2	100
No. 26	23.1	57.7	65.4	65.4	65.4	65.4	65.4	65.4	65.4	65.4	76.9	100
No. 27	3.8	30.8	46.2	50.0	53.8	53.8	53.8	61.5	76.9	80.8	88.5	100
No. 28	—	10.0	15.0	20.0	25.0	30.0	45.0	60.0	75.0	80.0	85.0	100
No. 29	5.0	10.0	10.0	25.0	55.0	55.0	60.0	60.0	65.0	75.0	90.0	100
No. 30	—	—	18.8	31.3	37.5	43.8	50.0	56.3	68.8	75.0	81.3	100
No. 31	—	31.3	37.5	50.0	50.0	50.0	56.3	56.3	62.5	62.5	75.0	100
No. 32	—	9.1	18.2	27.3	45.5	45.5	45.5	63.6	63.6	72.7	81.8	100
No. 33	9.1	18.2	18.2	18.2	18.2	18.2	18.2	27.3	45.5	45.5	63.6	100
No. 34	—	9.1	18.2	18.2	18.2	27.3	27.3	27.3	36.4	54.5	54.5	100
No. 35	—	—	—	—	—	—	—	12.5	12.5	25.0	62.5	100
No. 36	—	—	—	—	—	100.0	100.0	100.0	100.0	100.0	100.0	100
Total	3.3	16.3	28.1	33.7	40.0	43.7	48.5	53.3	61.9	68.1	80.4	100
Total of all establishments..	2.4	13.3	21.5	25.8	30.9	36.0	40.6	44.1	53.6	61.9	72.4	100

(Page 33.)

Time Lost in Shifting.—United States.

Fourth Report of the New York Factory Investigating Commission, 1915. Vol. II. Appendix IV. The Relation of Irregular Employment to the Living Wage for Women, IRENE OSGOOD ANDREWS, *Assistant Secretary, American Association for Labor Legislation.*

In the analysis of the situation as to the irregular employment of women there appear three main classes of workers fairly well defined.

1.—The smaller group of those permanently employed, forming the backbone of the labor force.

2.—Those who are employed for the entire busy season, but are laid off at its close.

3.—Those who drift in and out of the industry working only a few days or weeks at a time in one place.

In most industrial establishments there exists that smaller class of employees (group 1) consisting of the more skilled and permanent workers, permanent in the sense that they remain on the payroll for at least a year. They are the older more responsible workers who are more frequently entirely dependent upon their earnings, often with relatives or families dependent upon them, and are more likely to be employed at the higher rates of wages. Nominally this class of employees is referred to as "steady" workers but from the point of view of earnings we have seen that even these workers suffer large wage losses due to slack work in the dull season.

The second group of workers consists of those who for various reasons are dropped from the payroll from the time the dull season begins until the arrival of the busy season. . . . There are undoubtedly a few employees, some of them perhaps married, who plan to go into the industry only during the busy season in order to supplement the family income, perhaps for personal reasons or more likely to tide the family over a financial depression due to sickness or unemployment of the male breadwinner. But the larger group consists of responsible, steady women, many of them entirely dependent on their own resources, others with families depending

upon them. These are the workers who suffer most by enforced periods of unemployment.

This third group of workers consists of those who are constantly shifting in and out of the industry staying only a few days or weeks in one place. The existence of this last group is made clear by a study of almost any payroll; for it is almost universally true that, during the course of a year, for one position, a succession of persons are hired and discharged, or leave for some reason. The State Factory Commission's investigation in New York City showed that in the confectionery industry 45 per cent., and in the paper-box industry, 40 per cent. stayed four weeks or less in the same factory. Miss Van Kleeck showed that in millinery 52 per cent. stayed only eight weeks or less. In the manufacture of men's clothing, a more steady trade, an investigation of conditions in the five leading cities in the trade, 1907-8, showed that 28 per cent. of the women worked less than five weeks in the same place. Among saleswomen the conditions are similar. In a large Boston store 20.8 per cent. remained less than five weeks, while a Washington, D. C., investigation showed that 25 per cent. remained three months or less. (Pages 520-21.)

These three classes are of course not defined by hard and fast lines. They merge into one another and workers are constantly passing from one class to another. Frequently bad industrial conditions will throw steady workers back into the casual labor class. (Page 522.)

The Paper Box Industry.

In the paper box industry, the flux of workers is very great; it is a constantly changing group on which all the seasonal variations fall. In New York City in 1912-13, only a quarter of the women paper-box workers stayed in the same place more than six months. Three-fifths stayed three months or less, one-half less than two months and two-fifths four weeks or less. Incredibly large numbers drift in for a few days or even hours and then drift out again. Only 15 per cent. were what might be called steady workers, staying eleven months

or more out of the year in the same establishment. Three times as many people as were employed at any one time were dropped and added during the year. It is of course true that many of these changes were undoubtedly due to personal reasons. A low-grade, poorly paid, little skilled body of workers is an everchanging one. Yet such facts as the wholesale dismissal of workers in Philadelphia after Christmas previously mentioned, show that the irregularity of the industry must be held responsible for no small part of the shifting. . . . Some pressure is needed that will force them out and make it profitable for the manufacturer to furnish steady employment to responsible workers. (Page 533.)

The Confectionery Industry.

In New York City, in the year studied by the Factory Investigating Commission, September, 1912, to September, 1913, 45 per cent. of the women stayed four weeks or less in the same place and a total of 66 per cent. less than three months; 13 per cent. remained from three to six months and 8.3 per cent. over six months and less than eleven months. Only 12 per cent. held their places over eleven months. In Massachusetts in 1913-14, the Minimum Wage Commission found the number of months during which over 3,000 women in the fourteen largest factories had remained in the same establishment. All those leaving in less than four weeks were excluded and, considering the large numbers who leave after a few days' work, the showing is, in this way, made much more favorable. Even so, 36.9 per cent. stayed less than three months and only 21.8 per cent. more than eleven months. Twenty-three and a half per cent. remained three to six months and 17.8 per cent. from six to eleven months. An almost negligible percentage of the entire number found employment for the entire twelve months. (Pages 553-54.)

Like evidence, though from a slightly different point of view, comes from the results of a federal investigation made in 1911 in the two widely separated states of Maryland and California. The average number of weeks' em-

ployment yearly for all women candy workers was thirty-nine in the one state and forty-five in the other. Allowing for the fact that some of these workers must have been steady throughout the year, many others must have been able to find work for very short periods only.

Those who are dismissed on account of the slack season must find it especially difficult to obtain other work, since they lose their places after Christmas and in the summer, when most other women's trades are dull. And in Massachusetts, in 1911, out of about 850 such changes from factory to factory, 22 per cent. were said by the women changing to have been made on account of slack work.* (Page 554.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV. Mercantile Establishments.

In eleven large New York City stores with an average total force of 27,264, there were added during the course of the year 44,308 persons, and 41,859 left or were dropped. In other words, more than once and a half as many people flowed through the stores as are usually employed in them at one time.

The stores differ greatly in the extent of the shift among their employees. In one establishment the change amounts to only about 20 per cent. of the normal force. In practically all the others, it is 100 per cent. or over; in one it amounts to over three times the average number employed at one time.

We entered the number of weeks worked by all employees who appeared on the payrolls of an up-state store during an entire year. The following table shows the length of time they stayed with that establishment. The working force of this store last spring was slightly over 1,100 persons.

* For similar figures as to other trades, see op. cit., pages 570 ff.

Time Lost in Shifting.—United States.

Table 19.

Weeks Worked in a Year.

Weeks Worked.	Males.	Females.	Both.	Cumulative per cent. of all.
— 1	107	106	213	6.
1— 4	407	461	868	31.
5— 8	232	177	409	43.
9—12	165	151	316	52.
13—16	217	204	421	64.
17—20	76	87	163	69.
21—24	57	65	122	73.
25—28	31	53	84	75.
29—32	39	58	97	78.
33—36	44	57	101	81.
37—40	87	63	150	85.
41—44	14	29	43	86.
45—48	25	48	73	88.
49—52	182	218	400	100.
Total.	1683	1777	3460	100.

It will be seen from this table that over one-fourth of the people stayed from one to four weeks—probably the holiday contingent. But one-half were employed less than three months and three-fourths, less than seven months. Less than 12 per cent. had been with the firm eleven months or more. (Pages 92-93.)

This shifting about naturally causes loss of time and wages between jobs. Personal reasons, such as illness, also throw people out. In order to discover the extent of this loss, we inquired of more than a thousand women as to their experiences during the last twelve months. The following table shows the distribution of the instances recorded by cause and duration.

It should be understood that persons who did not report any time lost must not be considered as reporting no time lost. Sometimes they forget how long they were

away. Still, 653 instances are recorded for 1,036 women. In 25 cases a person had suffered loss both from industrial and from personal causes.

The most usual period of unemployment due to slack work or absolute loss of position was from one to two weeks. The majority of those who were out for illness or other personal reasons lost a week or less. Sickness was by far the most frequent cause of withdrawal.

Holidays and vacations also occasion some loss. In the main, however, all important legal holidays are allowed with pay. But we have statements from employees up-state, that on six days when the stores are closed they received no pay. (Pages 95-96.)

Only 19 per cent. of the women and girls would earn less than $300 a year if we multiplied their weekly rate by 52. But if we take 52 times their average earnings, we find that 28 per cent. would fall below that amount. From this it is evident that incomes based on rates are too high. (Page 100.)

Fourth Report of the New York State Factory Investigating Commission. 1915. Vol. II. Appendix IV. The Shirt Industry.

Of course this variation in the total number of persons employed results in the displacement of many workers. But beyond this rise and fall due to trade conditions, we find that many individuals change their positions. In one factory whose payrolls were checked for a year, we found that out of a total of 415 persons who had been employed during twelve months, 69 (17%) stayed from one to four weeks; 101 (24%) from five to sixteen weeks; and only 122 (29%) forty-nine weeks or over. In the case of 93 persons their period of employment had been divided between two branches of the business. This internal shifting without doubt enabled some to remain longer than would have been the case had they been engaged in the manufacture of only one product, because slack work in one department could be partly offset by turning a part of the force into the other shop.

Naturally, such moving about causes loss of time between jobs. Of 94 women workers up-state who made definite statements regarding this matter, only 10 reported no time lost during the preceding year. Forty-five lost from one day to two weeks from slack work or closing of the factory, averaging 11 days apiece. Forty-one lost from a day to two months from illness, sickness in the family or other personal causes—an average of 18 days each. Some had experienced losses from both industrial and personal reasons. Of 57 who specified loss from all causes, the average time away from work during the year amounted to 22 days for each one. This does not include holidays or vacations. Six holidays during the year were paid for in 41 cases and unpaid in 16 instances. Vacations of one or two weeks were reported with pay in four cases; without in sixteen. Most factory workers are not given regular vacations, unless periods of enforced absence from work be considered in this way. Of course piece workers lose when they do not produce.

We have the testimony of 177 female employees in New York City, concerning their vicissitudes during the year 1913. Some of them had not been in the shirt trade for the entire twelve months preceding, but their experience is pertinent to the inquiry regarding general conditions, which such persons must meet. We may briefly summarize our findings in a few remarks.

Eighteen persons had been out of a job entirely from one week to six months. Seventy had lost from one week to four months because of slack work. For 102 women who reported loss from industrial reasons, the average time out was over 34 days apiece. Fifty-two lost from a few days to three months because of personal illness, averaging 15 days each, and 111 were out because of sickness or other trouble in the family. In short, 152 women (86% of all) reported the loss of 5,502 days during the past year, or more than a month each. (Pages 214-215.)

Ibid. Vol. II. Appendix IV. The Paper Box Industry.

The fluctuation of the box trade as a whole gives a very inadequate idea of the amount of shifting from one es-

tablishment to another. We were unable to follow all employees for an entire year within the industry, because of the enormous task of tracing names and addresses. The following table shows the length of time 2,295 persons stayed in 9 plants during 12 months. These places ordinarily employed about 792 hands. (Page 253.)

TABLE XIII.

Number and Per Cent. of Employees Working Specified Number of Weeks in One Year.

Weeks Worked.	Males.	Females.	Both.	Cumulative per cent. of all.
Less than 1	86	262	348	15.2
1—4	134	432	566	29.9
5—8	73	202	275	51.9
9—12	56	117	173	59.5
13—16	31	89	120	64.7
17—20	24	63	87	68.5
21—24	20	46	66	71.4
25—28	24	37	61	74.1
29—32	14	36	50	76.2
33—36	14	32	46	78.3
37—40	18	23	41	80.0
41—44	5	29	34	81.5
45—48	12	38	50	83.7
49—52	122	256	378	100.0
Totals	633	1,662	2,295	100.

(Page 254.)

. . . It is plain that women were more rapid in their transit than men. Both sexes appear to be divided into two well-marked groups. About one-half stayed less than two months; about one-sixth stayed practically the whole year. The other straggled in and out at such a rate that several times as many people as the plants ordinarily employ, were added and dropped during 12

months. The less skilled and lowest paid workers shift most rapidly. (Page 253.)

It will be seen from this table that about twice as many persons flowed through the plant as were retained. That means in order to maintain an average working force of less than 800 persons, the services of more than 2,300 people were used, two-thirds of whom were only temporarily employed. Nearly 100 persons were taken on and laid off more than once during the year.

This shifting and laying off entails loss of time between jobs for the floaters. But even the steady workers are affected by slack seasons, sickness and other reasons that cause them to stay out or change employers. Among 229 women operatives it was found that on the average nearly 5 weeks apiece had been lost during the previous year, in amounts varying from less than one day to ten months. Three weeks were accounted for by industrial reasons and two by personal causes. For the 115 who were out from slack work, 19 working days, or a little over three weeks, was the average; and for the 54 altogether out of a job, 26 working days, or something over 4 weeks, was the average. Sickness in 92 cases aggregated 1,837 days loss.

Vacations with pay among the operatives are very rare. Thirty-three women out of 283 reported a week or two in the dull season. Holidays vary with the character of the establishment. Native firms keep most important legal days; Jewish workers observe their religious celebrations. It is plain from Plate D (page 130) that pay envelopes do not benefit from cessation of work, although tired bodies may. (Page 257.)

Women In the Bookbinding Trade. Mary Van Kleeck. *Russell Sage Foundation Publication, New York, 1913.*

Of the 163 women included here, all of whom have been wage-earners a year or more, 80, or nearly half, have worked in two or more establishments in the past twelve months, and a few have changed from one employer to another four times or more. For the worker

such frequent change, whether it be due to fluctuating seasons, uneven demand for labor, a casual attitude toward work, or any other cause, industrial or personal, means inevitably a loss of income. The first phase of the question to be considered is the loss of time between "jobs." This was determined for 176 positions.

TABLE 22.

Periods for which women employed in Bookbinding were idle after leaving positions.

Time Idle.	Positions after leaving which women were idle for periods specified. Number.	Per Cent.
"No time"	65	37
Less than 1 month	50	28
1 month and less than 2 months	16	9
2 months and less than 3 months	12	7
3 months or more	33	19
Total	176	100

The worker who finds another place within a week is likely to say that she has lost "no time". Although this was the statement made of more than a third of the positions, it is probable that in many of these cases a day, at least, was lost. In more than a third the loss was one month or more.

It is not only between positions that a worker loses time. She may be "laid off" for two or three weeks, or may work only part of the time without severing her connection with the establishment. (Pages 114-116.)

Of the bindery girls interviewed 29 had not been wage-earners during the entire past year, and 52 could not state the length of unemployment accurately enough for tabulation. Table 23 contains the records of the remaining 120.

Time Lost in Shifting.—United States.

TABLE 23.

Time lost in the past* year from all causes by women employed in Bookbinding.†

Time Lost.	Women who lost the time specified.
"No time"	14
Less than 1 month	36
1 month and less than 3 months	36
3 months and less than 6 months	18
6 months or more	16
Total Reporting	120

Less than one in eight reported no time lost for any cause, while three in 10 reported a loss of one to three months, and more than one in four lost three months or more. (Page 116.)

The statements of a few of the girls in the group whose records appear in these statistics may emphasize further the facts about irregular work. An inserter employed in a magazine bindery earned $12 one week, $12 the next, had no work and no pay the third, and earned between $8.00 and $9.00 the fourth. She said that this was the story of a typical month's work. Another, a learner, when asked to tell what her earnings had been in the past four weeks said, "little over $4.00 the first week, a little more than $5.00 the second, $5.92 the third, and I got $4.65 this week. Sometimes I work two full weeks in the month but not often. We're not often laid off, but a week or two in the month we're on part time and go home at 2 or 3 or 4 o'clock in the afternoon." Another's record reads, "Two weeks ago made $9.00, last week $1.50; had only two days' work. About two and a half full weeks of work in the month, not more."

"I earned $5.40 this week; last week I earned $9.00," said an expert feeder of the drop-roll-folding machine in

* Preceding date of interview.

† Of the 201 women interviewed, 29 had not been wage-earners during the past full year, and 52 did not supply information.

an edition and pamphlet bindery. She had been employed in the bookbinding trade six years. . . . This girl complained of another cause of loss,—lack of promptness in repairing machines when they are out of order. If operator is a piece worker, every hour of delay reduces her earnings. She has had this experience several times recently. When conditions were favorable and work plenty, her usual earnings were $9.00 in a week, but she could not even estimate her yearly income, so much did it vary from year to year,—not because of variation in her personal efficiency, but because of unforeseen changes in the condition of the book market, or in the prosperity of the firm employing her. The girl was a skilled worker in the trade. For less expert bindery girls conditions are more serious. (Pages 119-121.)

(3) The "Pin Money" Fallacy: Contributions of Working Women to the Family Income.

Repeated investigations made by federal and state governments have proved that only a negligible proportion of wage-earning women are working for "pin money." The great majority work to support themselves, or assist substantially in the support of their families.

According to various estimates, one-quarter to one-fifth of the women workers of the United States work to support themselves away from home.

Of the 75 to 80 per cent. of working women who live at home, an overwhelming proportion contribute practically all their wages either to supplement the family income, or to support families in which there is no male wage earner. The wage-earning daughter who lives at home as a rule pays not only for her own support, but contributes towards the expenses of the non-wage-earning members of the family.

As to the proportion of women who are supporting families in which there are no male wage-earners, a recent typical state investigation of about 2,000 wage-earning women shows that two-thirds lived at home, and of these, twenty per cent. were members of families in which there was no male wage earner.

Thus the assumption that working women do not need to receive a living wage is based upon a fallacy, because (1) An ascertained proportion of wage-earning women work to support themselves alone, away from

home. (2) An ascertained proportion of those who live at home contribute towards the support of one or more persons besides themselves. (3) A third group works to support families in which there are no male wage-earners.

A Living Wage by Legislation. The Oregon Experience. Rev. Edwin V. O'Hara, *Chairman, Industrial Welfare Commission of Oregon. State Printing Department, Salem, 1916.*

Historically women entered industry to supplement the wages of their fathers, husbands and brothers. Conditions have changed and multitudes of women workers are now dependent on their own exertions for their own support, and in many cases for the support of dependent relatives. But the old theory that a woman's wage was merely supplemental to the family income has lingered on to the grave injury of thousands. Many employers and not a few others continue to rehearse the threadbare tales about women working for "pin-money" and girls "living at home" not needing a living wage. A final relic and instrument of the "sweating" system is the requirement still found in the application blanks of some firms that girls shall keep their wages "confidential." Secrecy of wage schedules has been a prolific source of underpayment among women workers and "pitiless publicity" will be one of its chief correctives. (Pages 20-21.)

Bulletin of the United States Bureau of Labor Statistics, No. 182. January, 1916. Unemployment Among Women in Department and Other Retail Stores of Boston, Mass.

Table 15 shows that of the 1,156 regulars 90.1 per cent. were single, and while 9.9 per cent. had been married, only 4.3 per cent. were living as wives at the time of this investigation. As shown by Table 16, 75.7 per cent. were living at home with one or both parents,

12.9 per cent. were living or boarding with relatives, 7.7 per cent. were boarding with strangers or friends, and 3.7 per cent. were women themselves at the head of the family groups. Table 14 indicates that most of the women employed in the retail stores are young, 63 per cent. being under 25 and 77 per cent. under 30, but because they are young and for the most part live "at home" it does not follow that they are sheltered by the paternal roof beyond fear of want. In fact, in a great many homes there were no male wage earners at all.

The women interviewed were classified according to the degree to which they depended upon their earnings. In the first group were the women totally dependent, meaning for the purposes of this investigation that there was nothing but public or private charity between themeslves and want if the earnings were cut off. The second group, designated as "principally dependent," were those who had families which could in an emergency provide room and board if the workers were temporarily out of work, but by so doing would lower their own standards of living. Many women in this group might actually be providing for themselves entirely and even helping others in the family, but they would have the advantage over those in the "totally dependent" class of having a home during temporary unemployment. In the third group were those only "partially dependent" on their earnings. This took in the women who had families which could provide them with room and board, but not clothing, if they were temporarily out of work, without actually lowering to any extent the family standard. The fourth group included those not dependent on their earnings for necessaries; in other words, women whose parents or relatives could provide them with board, lodging, and necessary clothing if they were not working. In practically all such cases, however, in order to supply themselves with the kind of clothes and the spending money which they desired, the girls were obliged to work. The number and per cent. of regulars in each of these groups is shown in the table which follows:

TABLE 17.

Degree of Dependency on Earnings of Women Employed as Regulars Only.

Degree of dependency on earnings.	Women reporting— Number.	Per cent.
Totally dependent	107	9.3
Principally dependent	976	84.4
Partially dependent	60	5.2
Not dependent for necessaries	13	1.1
Total	1,156	100.0

The great majority of the regular employees, 84.4 per cent., were classed as "principally dependent on their earnings" and the next largest group was those totally dependent on their own earnings, 9.3 per cent. being so classified. The group partially dependent had in it 60 women, or 5.2 per cent., and only 13 women, or 1.1 per cent., were found to be "not dependent for necessaries" on their earnings. This brings out clearly the fact that the overwhelming majority of women are not working for "pin money" or for the pleasure and excitement of the work, and that the earnings of a girl living at home are in most cases just as necessary to her as are the earnings of her brother to him. (Pages 33-34.)

As shown in Table 18, of the total number of women, 107 were totally dependent on their own earnings; that is, were without families that could support them even temporarily if they were out of employment. For these women any prolonged unemployment would mean debt, charity, or help from friends unless they had been able to save. Many told of struggles to get along during periods of unemployment, of small savings entirely used up, of the kind help of friends, or the tolerance of landladies, and of the burden of debt which they had been obliged to assume. There were 50.9 possible weeks of employment during the year for this group of women. They actually worked an average of 44.9 weeks and were unemployed six weeks. (Page 37.)

Degree of Dependency of Families on Earnings of Women.

Even after the unemployment of women in retail stores has been shown in relation to their earnings and to their degree of dependency on their earnings, there is still a further connection which must be shown in order to arrive at the full significance of unemployment. To what degree are families dependent on the earnings of the individual women scheduled? (Page 40.)

It was a fairly simple matter to determine whether a woman was the entire support of a family, or whether the family did not depend at all on her earnings. But in cases where the woman was only in part the support of the family, the range of dependency was so great that it was decided to divide such families into two arbitrary groups: First, those families in which the standard of living would be lowered if the woman did not contribute something to the family income; second, those families which depended on the scheduled woman for regular contributions normally amounting to at least one-fourth of the entire income of the family.

In the table which follows the number of women having families coming under the different classifications are shown:

TABLE 22.

Degree of Dependency of Family on Earnings of Women Employed as Regulars Only.

Degree of family dependency on women's earnings.	Women reporting— Number.	Per cent.
Totally dependent	29	2.5
Dependent on regular contribution of at least one-fourth of family income	433	37.4
Standard of living would be lowered if woman did not contribute	521	45.1
Not dependent for necessaries	146	12.6
No family	27	2.3
Total	1,156	100.0

The Pin-Money Fallacy.—United States

One hundred and seventy-three women, or 14.9 per cent., reported no family demands on their earnings; 29 women, or 2.5 per cent. of the entire 1,156, had families entirely dependent on their earnings; 521, or 45.1 per cent., had families who needed and had the financial assistance of the worker from time to time during the year; 433, or 37.4 per cent., were depended upon as regular contributors to the family support to the extent of at least one-fourth of the family income. Of the 29 women who were the sole support of their families, 23 had but 1 person besides themselves in the family, 4 had 2, and 2 had 3 in the family. Twenty, or more than two-thirds of these women, reported average earnings of less than $9.

Four hundred and thirty-three women contributed at least one-fourth to the family budget. This is not significant, however, unless it is also known how much the girl's contribution was and how many there were in the family.

. . . Without exception this group of women added their entire earnings to the family budget, getting from the common fund their own necessaries. The weekly earnings were computed by dividing the total amount earned in stores by the number of weeks during which there was some employment in stores during the year, making no deduction for days lost during such weeks.

. . . While the woman's contribution is at least one-fourth, it may be as much as one-half or three-fourths of the entire income, so while the families did not have as an average more than four times the amount of her earnings, there were many cases where they had less. As a matter of fact, the girl's contribution in a great many instances exceeded one-fourth of the total income. About twice as many women reported earnings of $7 to $7.99 as reported any other amount and more reported three persons in family besides themselves than reported any other number. . . . It is apparent from this table that the earnings of the individual can not be decreased or increased without affecting in a very material way not only the worker herself, but others dependent upon her. (Pages 41-43.)

United States Public Health Service, Bulletin No. 76. March, 1916. Health Insurance: Its Relation to the Public Health. B. S. WARREN, *Surgeon U. S. Public Health Service, and* EDGAR SYDENSTRICKER, *Public Health Statistician, U. S. Public Health Service.*

The entrance of women as wage earners into the modern factory, mercantile, and other mechanical establishments and offices is a factor in the problem of the health of the wage-working population, which is largely, if not entirely, due to economic pressure. According to the census of 1910, of the 8,000,000 women ordinarily termed "women in industry," nearly 37 per cent., or about 3,000,000, are engaged in various occupations in stores, mills, and factories. Practically every investigation of the reasons for the entrance of women into industry has shown that their presence in industrial occupations is almost wholly in response to the necessity for earning a living. Approximately four-fifths of women workers live with their families and contribute to the support of their families. They are, for the most part, the wives and daughters of the wage-earning heads of families. A number of investigations indicate that in fully one-tenth of the wage-earners' families in the United States the wife is a wage-worker. In certain industries the proportion of wage-earning wives and mothers is considerably higher. (Page 28.)

Bulletin of the United States Bureau of Labor Statistics, Number 175. Women in Industry Series: No. 5. December, 1915. Summary of the Report on Condition of Woman and Child Wage Earners in the United States.

Another fact tending to show that economic necessity is the cause for the presence of these girls and young women in the industrial world is the extent to which their earnings are looked upon as family property. Two of the reports show how many of the single women at work turned all of their earnings into the family fund.

Among the clothing workers the number and proportion of females 16 years of age and over who contributed all their earnings to the family fund were, for the different cities studied, as follows:

Number and Per Cent. of Female Workers 16 Years of Age and Over in the Men's Ready-Made Clothing Industry Who Contributed All Their Earnings to the Family Fund, by Cities.

City.	Number.	Per cent.
Chicago	526	90.1
Rochester	98	68.5
New York	566	92.3
Philadelphia	257	92.8
Baltimore	295	79.7
Total	1,742	87.7

Of 1,214 women employed in retail stores and living at home, 68.5 per cent. turned in all their earnings to the family, 26.9 per cent. turned in part, and 4.5 per cent. kept all for their own use. Of 3,370 female workers employed in factories and living at home, 77.2 per cent. gave in all their earnings, 21.5 per cent. gave part, and 1.4 per cent. kept all for themselves.

In the family studies made in connection with the four large industries, information was secured as to the average proportion of their earnings turned into the family fund by children 16 years of age and over, whether male or female. The earnings of the female workers and proportions contributed were as follows:

Number of Families With Female Children 16 Years of Age and Over at Work, Average Earnings of Such Children, and Per Cent. of Their Earnings Contributed to Family, by Industries.

Industry.	Number of families.	Earnings of female children 16 years of age and over.	
		Average.	Per cent. contributed to family.
Cotton:			
New England group	602	$321	96.6
Southern group	886	237	89.0
Men's ready-made clothing	1,352	263	93.2
Glass	929	204	86.4
Silk	1,048	283	96.0

It is evident that the amounts these workers retain for their own individual use are too small to account for their going to work. In the main their earnings go into the family fund, from which they are fed and clothed, but no part of which is looked upon as peculiarly theirs. (Pages 20-21.)

Bulletin of the United States Bureau of Labor Statistics, No. 167. April, 1915. Minimum Wage Legislation in the United States and Foreign Countries.

While there have been within a few years many local investigations of the wages and conditions of women wage earners, the Bureau of Labor Report on Conditions of Woman and Child Wage Earners in the United States has been most often cited as showing conditions throughout a wide area. Thus this report showed that in a group of 1,698 women employed in department and other retail stores in seven of the principal cities, 26.1 per cent. were without homes and entirely dependent upon their own earnings, and that of those living at home 68.5 per cent. turned in all of their earnings toward the family support. In a similar group of 5,014 women employed

in mills and factories in the same cities, 17.5 per cent. were found to be without homes and dependent upon their own earnings, and among those living at home 77.2 per cent. turned in all their earnings to the family. (Pages 17-18.)

Industrial Commission of Wisconsin. May 1, 1916. Cost of Living of Wage-Earning Women in Wisconsin. Investigation of 1913-1914.

The most striking fact shown by the investigation was the comparatively large amounts contributed to the family income by the wage-earning women living at home, and the large number of women and young girls who, through the death or disability of the natural head of the family, were forced to carry all or a large share of the burden of the family expenses. It is possible to gather statistics showing actual amounts paid for room and board by wage-earning women living away from home. It is practically impossible to arrive accurately at the obligation of the wage-earner living at home. The fact that out of 13,686 wage-earning women in the state living at home, exclusive of the married or the widowed, 5,278 or 38 per cent. reported that they gave all their earnings to their families, while only 294, or 2 per cent., reported that they gave nothing, does not furnish much evidence in favor of the "pin money" theory. In a great number of cases the wage-earning woman furnishes to the family the sole or main support, instead of contributing a somewhat non-essential supplement to the family income. (Page 14.)

Of the total number reporting, 1,356, or 7 per cent., were married or widows. Most of these were widows, or had husbands who were disabled or out of employment. Of 305 widows reporting the number in the family and the extent of dependency of the family, 239 had from one to six children, totally dependent upon them. Since the larger the family, the smaller each individual's share of the expenses, the widowed mother with a small family is forced to pay a larger subsidy to the industry

employing her daughter at less than a living wage than a man for one daughter out of a large family. . . .

In Milwaukee, out of 7,505 women reporting, 6,122, or 84 per cent. lived with their families. In 49 smaller cities 8,111, or 82 per cent. live at home. Of the women in the $6 to $12 wage-group in Milwaukee, 1,512 women, (exclusive of those giving all of their earnings) and 2,466 in the smaller cities, reported contributions to the family income. In Milwaukee, the average amount was $4 and in the smaller cities, $3.46 a week. However, the predominating amount contributed to the family by wage-earning women living at home was from $4 to $5.50 a week. In Milwaukee, 16 per cent. paid between $4 and $5; 21 per cent. $5 or over, making a total of 37 per cent. giving their families from $4 to $10 or over a week. In the other cities of the state, 17 per cent. contributed to their families $4 to $5; 17 per cent., $5 and over, making a total of 34 per cent. giving $4 to $7.50 and over.

These amounts contributed to the family approximate closely to the rates paid for room and board in non-self-supporting working girls' clubs, where larger groups, wholesale buying, and scientific management would reduce the cost to a point below that possible for an average family. This would tend to prove that in a large number of cases the girls' earnings had to be supplemented by the family in order to provide even food and lodging; and would tend to disprove the common theory held by many employers that for the wage-earning woman living at home a smaller wage is adequate. (Pages 14-15.)

Fourth Report of the New York State Factory Investigating Commission, 1915, Vol. I. Report of Commission.

Home Relations.

The explanation, and frequently the excuse, for the prevalence of low wages paid to women, is the assumption that they do not need to be self-supporting, but are living at home. The value of a worker should not be judged by the fact that she may be supported by another

member of her family. She is a unit in the industry in which she works, and for her labor the industry should pay her at least a wage adequate for self-support.

Our investigation shows that two-thirds to three-fourths of all women and girls employed are unmarried, but it shows clearly that they do not work for pin money. Women workers are in industry because they must be there either to support themselves, to eke out the earnings of other members of the family or because through accident or chance the entire burden of supporting the family has fallen upon them. Women who are widowed, divorced or deserted, women solely dependent upon themselves, girls whose fathers have died or are ill, are among this great army of workers in no small numbers.

In a special study of 1,300 individual women, it was found that 65 per cent. live with their families, 75 per cent. of whom turned all their wages into the family budget, and more than 20 per cent. paid board; 15 per cent. live entirely alone, or with strangers or friends. (Pages 36-37.)

Ibid. Volume IV. Appendix VII. Cost of Living in New York State. Frank H. Streightoff, *Professor of Economics, Depauw University.*

Traditionally the greatest event in the life of a woman is her marriage. A glance at Table VIII (Conjugal Condition of 1,937 Women Employed in Stores, and Candy, Paper-Box and Shirt Factories in New York City and Other Cities) will show that by far the greatest number of the women studied in this investigation are single. These unmarried women, indeed, are nine-tenths of the whole. . . . The married women in industry had largely been forced to earn wages. For of the 189 who had married, 75 were widows and 19 had been separated from their husbands. Twenty-seven others, who had been married gave no information as to whether their husbands were living or dead. It may be safe to infer that a large proportion of these were not living with their husbands, as, had they been doing so, the other questions on the cards should have elicited the fact. (Page 1488.)

Next in interest to the question of whether women are married or single is the place where they live. Table IX (Domicile of 1,937 Women Employed in Stores and Candy, Paper-Box and Shirt Factories in New York and Other Cities) has been prepared to show the homes of these women. . . . A few, only two per cent. of the entire number, lived with friends, and a considerable proportion, approximately one-seventh, are put down as living independently. This means that the woman was rooming with strangers or that she lived perhaps with her father or, more probably, with a sister in a boarding house, or in rooms, but that she maintained nothing approaching a family life. . . . Almost two-thirds of the women live at home. Most of these were in homes in which there was a man at work for wages, but approximately one-fifth of those who lived at home were in households which altogether lacked the natural support of a male over eighteen years of age. (Pages 1489-90.)

Finally, from Table X it is possible to draw this rather significant fact; ninety-three women were the sole support of their families; forty-five bore the entire burden of the maintenance of two or more individuals in addition to themselves. Frequently these others were children. . . . (Page 1494.)

Burden of Support.

Additional light is thrown upon the subject just under discussion by the facts recorded in Table XI. Of the 1,929 women, 1,207, or sixty-two per cent., claimed to be entirely self-supporting. Of these, five hundred had no other responsibility than their own maintenance; but nearly as many, 449, not quite a quarter of all the women interviewed, declared that they were obliged to contribute to the support of relatives. There were others, 127 in number, who made contributions to their families, although that did not necessarily imply that they were supporting others. So it can fairly be inferred that approximately a quarter of the women who contributed to the data now under analysis were actually helping in the maintenance of at least one other person. . . . Some

of the burdens placed upon these women are, as was shown in discussion of Table X, extremely heavy. Mrs. G, for instance, is a worker in a paper box factory in Albany; her wages vary from $4.50 to $8.25 a week, averaging, in her estimation, about $7.50. She is fortunate enough to be able to live with her aunt, who accepts $5 per week as payment for the board not only of Mrs. G, but also of her six-year-old son. Mrs. G probably could not get along were it not for the fact that her aunt frequently presents her with clothes for herself and the child. Formerly she had to help her husband, who is in a State institution being treated for tuberculosis. Even with this burden lifted her task is hard enough. Another woman, Mrs. K, earns about $10 a week, on which she supports an invalid father and an aged mother, as well as her two children of seven and twelve years. She is forced to draw upon the meagre savings left by her dead husband. (Pages 1494-95.)

But the support of others is not imposed on widows and married women alone. Bertha B in New York City from her $8 a week sends money to her widowed mother in Roumania; and Annie, a buxom lass from Pennsylvania, managed for some time to mail regularly from New York to her old home two dollars a week from a seven-dollar wage. She couldn't keep this up after it became necessary to buy clothing. It is needless to multiply illustrations of this character. The point is perfectly clear. Burdens obviously far beyond the economic power of many women and girls are thrust upon them. (Pages 1495-96.)

A survey of the tables presented in the earlier part of this report, showing the large proportion of workingwomen who are entirely self dependent and the numbers who aid in the support of others, will serve sufficiently to disprove that time-worn "pin-money" superstition. (Page 1588.)

Fourth Report of the New York State Factory Investigating Commission. 1915. Vol. V. Public Hearings.

Miss Mary Van Kleeck, Director of Investigations, Committee on Women's Work, Russell Sage Foundation:

. . . There are a few points I should like to emphasize on the conditions of work, showing the reason why the underpayment of women workers constitutes so serious a social menace, and I think that is that girls and women, characteristically in a large majority, are working not for themselves alone but they are working for their families; that primarily the wages of women are family wages rather than individual wages, and I think the evidence on that point may be cited in a number of directions. In the first place in the study that we made of woman's work in the bookbindery trade we found that in less than half of the households of bindery women were their fathers able to contribute to the support of the family; that these typical families were families in which much of the burden of the support fell upon the women workers; that the fathers were either incapacitated or they were dead and unable to contribute to support and that the grown boys were starting out and establishing homes of their own and that the support of the younger children, the support of the mother of the family or the incapacitated father fell very largely upon the women workers. Now in the United States Government study of women workers they investigated nearly 2,500 women here in New York in their studies of wage earning girls in the stores and in the factories and they discovered that of the women who were without homes forty per cent. were contributing to needy relatives and that of the women in their home eighty-four per cent. of those in stores and eighty-eight per cent. of those in factories gave all of their earnings to the family budget and that only three per cent. of the girls in stores and six-tenths of the girls in factories kept all of their earnings for themselves, showing decidedly that the earnings of women was a family matter. The report of the relief

committee following the Ashe fire shows case after case in which appeals were made and substantiated by investigation from families in which the chief support had been taken away, the chief support being a woman worker. Now in this same United States Government investigation they investigated four very large and important industries in this country employing women, silk, cotton, glass and men's ready-made clothing, and in each one of these industries they investigated some two thousand homes of the women workers and the evidence showing the number of persons in those families, the average number in the family, and the average number of wage earners is interesting. For silk for instance the average number in the family was a little more than six and the average number of wage earners, three. In the glass industry the average number in the family was 6.3 and the average number of wage earners three. In the cotton industry the average number in the family 6.6 and the average number of workers 3.7. In men's clothing the average number in the family 5.4 and the average number of wage earners 2.9. In other words in every one of these important industries in this country the number in the family of these women wage earners was double the number of wage earners, that is there were dependents to be cared for by the combined earnings of these wage earners. I think all of that evidence that I have just been quoting shows that there are dependents in these families and that inadequate earnings on the part of the women would result in a low standard of living for those families. Now there is absolutely no evidence on which to base the statement of the average length of time which women remain in industry. We have some evidence of the ages of women in industry and only 36 per cent. of the women employed in manufacturing in this country are under 21. That is some 64 per cent. are 21 and over and something like 11 per cent. are 45 and over. The evidence would now seem to show that they are not at all young girls by any manner of means but that they do stay longer in industry than the three or five years being quoted continually by persons who are merely guessing. (Pages 2801-3.)

Children's Bureau, United States Department of Labor, 1915. Infant Mortality. Results of a Field Study in Johnstown, Pa., Based on Births in One Calendar Year. EMMA DUKE.

In Johnstown, however, industrial occupations are not open to women, and but 3.1 per cent. of the mothers visited went outside their homes to earn money. All mothers who gained money by keeping lodgers or in any other way are, for convenience, designated "wage-earning" mothers, even though their earnings were not in the form of a definite wage at stated periods.

Although not industrially engaged, nearly one-fifth of the mothers did resort to some means of supplementing the earnings of their husbands. Usually they kept lodgers. This was done by the foreign mothers principally, exactly one-third of whom had lodgers, as compared with less than 1 per cent. of the native women. Usually work done outside the home consisted either of char work or of assisting husbands in their stores. Generally these stores were in the same building with the home.

When a mother of a young baby does not give her full time to her duties within the home but resorts to means of earning money, it generally indicates poverty. This is true to a greater degree in Johnstown than in places which have many inducements for women to work. In Johnstown, with its excess of males, especially in the foreign population, the woman's services are particularly needed to make the home.

In the group where the husband earns $10 a week or less—that is under $521 a year—many of the women are wage earners. In each group showing better earnings for the husband the number and percentage of wage-earning wives decline. Such a tabulation as the following almost automatically fixes the minimum wage on which a man, wife, and a child or two can live with any degree of comfort in Johnstown at about $780 a year. When the husband's wage is less than $780 a year, it is shown that the wives, in considerable number, must be wage earners. As shown in the next table, in nearly

half of the families where the husband earns $10 a week or less (less than $521 a year), the wife resorted to some means of earning money; when he earned as much as $900 a year, only 8.9 per cent. of the wives worked, and in the small group where the man earns as much as $1,200 a year, only 1 in 50.

TABLE 32.

Number and Per Cent. of Husbands With Wage-Earning Wives by Nativity of Wife and Annual Earnings of Husband.

Annual Earnings of Husband	Total Husbands			Husbands having Native Wives			Husbands having Foreign Wives		
		Husbands with Wage-earning Wives			Husbands with Wage-earning Wives			Husbands with Wage-earning Wives	
	Number	Number	Per Cent.	Number	Number	Per Cent.	Number	Number	Per Cent.
Under $521	233	111	47.6	36	9	25.0	197	102	51.8
$521 to $624	174	57	32.8	50	3	6.0	124	54	43.5
$625 to $779	229	51	22.3	86	4	4.7	143	47	32.9
$780 to $899	166	25	15.1	108	6	5.6	58	19	32.8
$900 to $1,199	146	13	8.9	98	1	1.0	48	12	25.0
$1,200 and over	50	1	2.0	39	—	—	11	1	9.1
"Ample"	493	20	4.1	399	3	.8	94	17	18.1
Total	1,491	278	18.6	816	26	3.2	675	252	37.3

(Pages 47-48.)

Women's Work and Wages in the United States. C. E. PERSONS, *Associate Director of the School for Social Economy, Washington University, St. Louis. Quarterly Journal of Economics, February, 1915.*

Investigation of the expenditure of earnings disposes effectively of the importance of the "pin money" worker as a determining factor in wages. Recent reports are a unit in declaring that such workers are the rare exception; too few to seriously affect the general situation. Further, the investigations show conclusively that the

larger part of the earnings of women living at home is turned into the family treasury. Thus in the Massachusetts report it is stated that 78.5 per cent. of the candy workers gave all they earned to the family; 20.3 per cent. gave part. Among store workers, where the result is not affected by the presence in large numbers of foreign workers, 61.8 per cent. gave all, 39.4 per cent. gave part. It is noted that the age runs higher among these workers. The laundry workers make a similar showing: 60 per cent. contribute all their earnings; 39.1 per cent. a part. . . .

It boots little to multiply illustrations, for the conclusion reiterated and enforced by the unanimous declarations of the investigation of many industries and localities, of the various nativity groups and races, and at all ages, is that the typical female workers are the 80 per cent. living at home and contributing the larger part of their earnings to the family treasury. The "pin money" worker is proven a false, if not a "vicious" theory. Twenty per cent. of the girls at most are independent workers. The remainder—a proportion great enough to be controlling—are constituent parts of a close-knit family group. (Pages 224-5.)

Report of the United States Bureau of Labor Statistics, No. 160. October, 1914. Hours, Earnings and Conditions of Labor of Women in Indiana Mercantile Establishments and Garment Factories.

Women Employed in Department and other Retail Stores.

Of the 711 women visited, 575 or 81 per cent. were living at home; that is, with their parents. In the majority of cases these women had only a share in the maintenance of the family, but in some instances the greater part of the burden rested on them. As this investigation did not go into the expenditure of earnings or income, no definite figures can be given on these points. Forty, or 5.6 per cent., of the women were living with relatives. Fifty-nine, or 8.3 per cent., were living on their own resources entirely. . . . The remainder, 5.1 per cent.,

were keeping house in their own homes. Many of these were the sole providers for the family, some had the help of children, some the intermittent help of husbands, and some worked only when the family found itself in need of additional income to tide over some emergency. Only a few had husbands working regularly. (Pages 9-10.)

United States Congress. Senate Document No. 645. Report on Condition of Woman and Child Wage-Earners in the United States. Vol. V. Wage-Earning Women in Stores and Factories. 61st Congress, 2nd Session, 1911.

Number and Per Cent. of Female Wage-Earners in Department and other Retail Stores, Factories, etc., living at home, who did or did not contribute to the Family Fund.

BOSTON

	No. reporting as to contributions	Per cent. contributing All	Part	None
Stores—Total	239	55.6	38.9	5.5
Factories—Total	478	61.7	36.4	1.9

CHICAGO

	No. reporting as to contributions	Per cent. contributing All	Part	None
Stores—Total	178	78.7	17.4	3.9
Factories—Total	268	81.3	17.2	1.5

MINNEAPOLIS AND ST. PAUL

	No. reporting as to contributions	Per cent. contributing All	Part	None
Stores—Total	94	47.9	44.7	7.4
Factories—Total	129	53.5	44.2	2.3

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New York

	No. reporting as to contributions	Per cent. contributing All	Part	None
Stores—Total	344	84.3	11.9	3.8
Factories—Total	1,532	88.1	11.3	.6

Philadelphia

	No. reporting as to contributions	Per cent. contributing All	Part	None
Stores—Total	264	56.8	39.0	4.2
Factories—Total	732	67.9	30.6	1.5

St. Louis

	No. reporting as to contributions	Per cent. contributing All	Part	None
Stores—Total	95	77.9	17.9	4.2
Factories—Total	231	74.9	21.2	3.9

(Summarized from tables on pages 19-21.)

It is doubted if anything in the whole report is more significant than the large percentage of the women wage-earners living at home who were turning into the family fund all their earnings. Of the women reported in New York stores 84.3 per cent. and of those in factories 88.1 per cent. contributed all their earnings; and in Chicago and St. Louis the percents were only slightly smaller.

It is true that there may enter into the large percentage for the factory workers the tendency among foreign-born families to regard children as an investment, to whose earnings the parents have a proprietary right so long as the children are under the parental roof. But in this connection it is significant that among the women in department and other retail stores, where the foreign element enters but slightly, the per cent. turning their en-

tire earnings into the family fund is not much smaller than among the factory and mill workers. This is shown to be the case in each city investigated except St. Louis, where a larger proportion of store women than of factory women contribute their entire earnings to the family fund. (Pages 18-19.)

What has this condition to do with the faith current among so many employers and accepted by the public that the girls who have homes work only for "pin-money"! It should be noted, of course, that manifestly the home girl must get back all the necessaries which the woman adrift must herself purchase, including the clothes, car fare, and incidental expenses for emergencies or amusements. (Page 21.)

In this keeping-house group also are found the largest number and per cent. (37.8) of women having others partially dependent on them for support, 101 women having a total of 183 persons whom they must assist, an average of nearly two per person. There is, of course, a wide range of the term "partially dependent," but most of the cases to which it has been applied, especially in this group, are those of two women, perhaps a mother and daughter or two sisters, supporting the other members of the family, who are thus classed as partially dependent on each of the working women. (Page 57.)

Only 75 per cent. of the St. Louis home store girls and 53 per cent. of the home factory girls visited have both parents living. The largest number of the remaining 25 per cent. and 45 per cent. are living with mothers only, of whom they are the chief support. This is not in accordance with the general impression that most women work only for "pin-money". A few live with sisters, and 1 per cent. of the store and 3 per cent. of the factory women live with husbands. (Page 186.)

Rhode Island Bureau of Industrial Statistics. Wages and Family Income in the Village of Lonsdale. Carol Aronovici. *Providence, 1912.*

The present study is the result of a careful house to house canvass made during the months of November and

December, of 1910, in what is known as the new village of Lonsdale, Rhode Island, for the purpose of securing data concerning the wages and maintenance responsibility of the workers in a typical cotton mill village in the State of Rhode Island. (Page 37.)

The figures indicating the average earning of wives in the cases where both husband and wife are engaged in gainful occupations show that they average $8.67 per week, and that in three instances the women earn more than the men. In the cases where women are the main support of the family the average earning is only $7.30 per week. Of the former there are 34 cases and of the latter there are 15 cases. There is also one case in which the husband had died and the wife was at work on a wage of $9.50 per week. All together, there are 50 families (out of a total of 296) in which the wife or some other female member of the family contributed either the largest or at least a considerable part of the family income. (Page 53.)

The average income per family increases with the number of persons in the family, but that increase depends as has been said upon the number of workers. On the whole the wages are low and indicate a level of individual earning which is not suited to proper family support without the assistance of other members of the family. (Page 55.)

Report of the Massachusetts Commission on Minimum Wage Boards, 1912. House Document, No. 1697.

In the opinion of the commission the number who are working in order simply to add to their comforts or luxuries is insignificant. Women in general are working because of dire necessity, and in most cases the combined income of the family is not more than adequate to meet the family's cost of living. In these cases it is not optional with the woman to decline low-paid employment. Every dollar added to the family income is needed to lighten the burden which the rest are carrying. (Page 17.)

Wages of Women in the Candy Factories.

It has been frequently stated that the girl or woman who lives at home does not need the same wage as a woman who is entirely self-dependent. It is true that co-operative living is cheaper than living alone, but it is fair to question how great that difference is. The woman at home has the same expenditure as the woman adrift, for clothing, car fares, dentistry, doctor's fees, medicine, church, recreation, and for savings for old age and burial, and for savings against sickness and shutdown of employment. Her family will care for her when she is sick or laid off, but she too must bear in turn her share of the expense of the sickness and lack of employment of the other members of the family. Her outlay for this is larger even than that of the girl adrift, for she must bear, in addition to her own share, her proportion due to the illness of the mother and sometimes of a grown-up brother or sister, and of the children who are not wage-earners. Time and again in the investigation girls were met who were helping to support a comparatively young father industrially disabled by rheumatism or some chronic trouble.

The saving of co-operative living comes in the items of rent and food.

The cost of management, preparation and service in the home lies in the maintenance, clothing and general expenses of the mother, of which the adult daughter must bear her share. (Pages 78-79.)

The girl who lives at home and works for "pin-money" is the rare exception. One and two-tenths per cent. of the candyworkers gave none of their wages to the home, and 78.5 per cent. gave all they earned; 20.3 per cent. gave a part. In the 1910 federal investigation of one-half as many workers in the factories of all description in Boston, 1.9 per cent. gave none of their earnings to the home, 61.7 per cent. all and 36.4 per cent. a part. (Page 79.)

Both investigations dispose conclusively of the pin-money argument. The manufacturers questioned on this point agreed that the candyworkers living at home needed

all their wages and were dependent upon them. No one at all conversant with the facts believes that any proportion of the women workers do not need every cent they earn. (Pages 79-80.)

The adult daughter living at home needs the same wage as her sister who is adrift. She ought not to have to live on her father, who for so many years has supported her or supplemented her earnings. It is reasonable for her to pay in full measure for the cost of her board and lodging including some of the mother's expenses. It is only the mother's labor that enables the cost of the household to be brought so low. She cannot lean on her over-burdened father for clothing, car fares, recreation, church, doctors and medicine, dental care and insurance. (Page 84.)

Wages of Women in the Retail Stores.

In general, one fact stands clear: throughout the cities of the state about one-quarter of the women workers in stores are dependent on their own resources. Again the question arises as to the economy to society of a scale of wages that is fixed on the basis of the need of women living with their fathers in disregard of one-quarter of the workers. Moreover, those who decrease their expenses by co-operative living at home have to bear, as the table on page 138 shows, more than their share of the whole cost of the family group, for in all but 5 per cent. of the families there were one or more persons who were not contributing to the family income, and who had to be carried by the wage-earners. (Page 134.)

The preceding tables show, as with the candyworkers, the folly of the idea that the 397 women who lived at home in a broken family, and carried the absent man's burden, economized by co-operative living. That was true for only 61 women, or 15.3 per cent. These women were living with relatives, who were also wage-earners. The large majority, 336, or 84.6 per cent., offset the economy of co-operative living by their effort to support, with the help of one or more other women workers, a family of varying size. Seventy of them or 17.6 per cent. of all the women of this class, did not economize at all by

co-operative living, as they were the sole dependence, save for charity, of from two to nine persons.

The uneven proportion of the number of workers to the number to be supported in the normal home is the same as among the candyworkers, except that there are a large proportion of families supported by one man with the help of one woman.

The pin-money theory is even more conclusively disposed of in the case of the store girls than of the candyworkers. There were not enough foreigners to give ground to the argument that the custom of handing over the pay envelope accounted even in part for the 61.7 per cent. who did so. The greater age of the store employees explains why a large proportion, 34.9 per cent., turned over only a part of their earnings. The remainder, beyond the share for board and lodging, they managed for themselves. The pin-money workers were only 3.3 per cent. of the 2,276 workers who reported. (Page 140.)

Artificial Flower Makers. Mary Van Kleeck. *Russell Sage Foundation Publication, New York, 1913.*

For the remaining 169, or 97 per cent. of the group, who lived with their families (including the 10 married women), the protection given them by the home brought with it a more or less heavy share of responsibility for maintaining the household. In the 128 families under discussion were 807 members, and 545 of these contributed in some way to the family budget. In only 93 of the 128 families was the father living and at home, and even in those cases he was not always a wage-earner; in 29 cases the father was dead; in six he was not living with his family; and in eight he was ill or too old to work. (Pages 74-75.)

No one who wishes to understand the causes of poverty can safely neglect consideration of the wages of working girls who "live at home," and whose low wages because they do so are regarded complacently by men and women who lack a comprehending knowledge of the responsibilities of daughters in such homes. (Page 80.)

The contribution of girls to their families is not lim-

ited to their wages, for in the evenings they are obliged to help with the housework, to sew, and to wash their clothes. "Men don't have to work as hard as women," said a married woman who after a nine-hour day in a shop makes her children's dresses at home at night. Two young Russian flower makers, refugees from Odessa, whose mother was dead, did almost all the housework in the evening for a household of six, including their father, who was a painter, their grandmother, a younger sister of school age, and a boarder. (Pages 84-85.)

Practically all these flower makers who live at home turn their entire earnings into the family purse. The mother or the head of the household then uses it for living expenses, giving the girls the money which they must have for carfare and lunches. Rent is the first item to be paid. The remainder is stretched as far as possible over food, clothing, insurance, and other important items, and an occasional expenditure for a trip to Coney Island or a ticket to a moving picture show. We found no flower maker living at home who did not give the bulk of her earnings to the household. In other words, we found no "pin-money workers". Low wages paid to these women who live at home have far more serious consequences for the community than the loss of the finery for which working girls are sometimes supposed to be spending their strength in factories. (Pages 86-87.)

Women in the Bookbinding Trade. Mary Van Kleeck. *Russell Sage Foundation Publication, New York, 1913.*

The foundation of this report was the industrial history of 201 women workers in the trade, combined with data secured from all the binderies in Manhattan. (Page 6.)

The girl who lives at home is typical of an overwhelming majority of bindery girls. Even a cursory description of these family groups shows how important is the gainful employment of women in its relation to the maintenance of the household.

Thus 193 of the 199 bindery girls here considered

lived at home, but in only 55 per cent. of the families was the father the head, while in 30 per cent. the father was dead or away from home and the direction of the household devolved upon the mother. In 12 per cent. the bindery girl lived with some other relative and in three cases she was a wife, not only managing her own home, but contributing to it her weekly wages. Only six were boarding alone away from relatives. Even when the father is nominally the head of the household he is not always contributing to the family support. In 48 families the father was dead, in seven he was not living at home, because of illness or because he had deserted the household, while in five he was at home and was regarded as the head of the family, although illness or age prevented his working. In only half the households of the bindery women interviewed was the father a contributor. (Pages 86-88.)

Data about these girls' mothers have shown that a woman must often continue to work for wages after her marriage. Before marriage, the bookbinders' earnings are of great importance to their families. Practically every bindery girl interviewed gives all her earnings to the family each week, receiving back again the sums needed for carfare, lunches, and incidental expenses. A weekly income of $8.00 a week hardly suffices to support a single person in New York City and is a scanty allowance when part of it must be used to help support children and other dependents in the household. Yet more than 50 per cent. of the bindery women are receiving a smaller wage than that amount, and in dull season their income is still further reduced. (Pages 99-100.)

The American Girl in the Stockyards District. An investigation carried on under the direction of the Board of the University of Chicago Settlement and the Chicago Alumnae Club of the University of Chicago. Louise Montgomery. *University of Chicago Press. 1913.*

The 900 families who form the back ground of the study have been known to the University of Chicago Set-

tlement for a period extending into the past from one to eight years. . . . Within this group of 900 families, 500 girls were selected from whom it was possible to obtain with a fair degree of accuracy the information needed to throw light upon the topics under consideration. (Page 1.)

The girl begins her work in response to the family standard that demands the wages of children, and she remains amazingly docile in supplying the family need. "Economic independence" for the woman in a sense conveyed by the modern use of these words is as yet unknown and incomprehensible. It follows that what the girl earns is easily appropriated by the parents and, broadly speaking, obediently surrendered by the girl. Among the three hundred girls between sixteen and twenty-four years of age, there are 290 who have no independent control of their own wages. That is, what they earn goes into the common family fund and they receive back again from the mother what she decides they require for carfare, lunches, amusements, and clothes. (Page 57.)

Report on the Wage-Earning Women of Kansas City. Board of Public Welfare, Bureau of Labor Statistics, Kansas City, 1913.

Information was obtained from 912 of the girls living at home or with relatives showing the per cent. of their wage contributed to the family; 206 or 22 per cent. contributed all of their wages to the family, 249 or 27 per cent. stated that they paid part of their wages into the family, but were unwilling to state what part. Three hundred and fifty-eight paid less than their total earnings into the family, the average amount paid in being from $3 to $4 per week, while their average wage was from $6 to $7 per week. Eighty-four, or 9 per cent., paid nothing into the family. These figures explode any notions that many girls living at home go into the shops in order to earn "pin-money"; a majority of them pay as much or more into the family as they would have to pay if they were boarding out, but there may be enough "pin-

money" girls to help depress the wages of necessitous workers. (Pages 62-3.)

Report of the Social Survey Committee of the Consumers' League of Oregon on the Wages, Hours and Conditions of Work and Cost and Standard of Living of Women Wage-Earners in Oregon With Special Reference to Portland. CAROLINE J. GLEASON. *Portland, Oregon, 1913.*

A fallacy maintained by the managers and used as an excuse for their low wage scales is that girls who live at home do not need as much money as girls who are boarding. Many go so far as to require that a girl be living at home before they will employ her. The argument against this is that the girl at home surely eats three meals a day, as the girl adrift is supposed to do, and food for the former costs as much as for the latter. If she is receiving only enough to pay for her clothing, who pays for her food and laundry? If her parents or her guardians do, are they not contributing just that much toward the revenues of the store? and if she is a "charity girl" who pays for her lunches with the loss of her virtue, can she not hold the department store more heavily her debtor than do the parents of the virtuous girl? Table 2 on page 21 shows that the average wage of the girl adrift is $21 a year more than the average wage of the girl living at home, but the same table also shows that the girl adrift has an annual deficit of $91.85 and no home to rely upon for payment of it; $145.86 is the annual deficit the department store girl at home would have to face, did she pay room and board fees, as does the girl adrift. (Page 27.)

Report of Special Commission to Investigate the Conditions of Wage-Earning Women and Minors in the State of Connecticut, 1913.

The amount of their contribution to the family income was asked of 923 women in the corset industry who lived at home and who were personally interviewed. Of the

total number reporting 74 per cent. contributed all of their earnings, 24.27 per cent. contributed a part and 1.73 or 16 out of 923 women kept their wages entirely for their own use. (Page 129.)

The amount of their contribution to the family income of their earnings was asked of 770 women in the metal industry who lived at home and who were personally interviewed. Of the total number reporting, 66.24 per cent. contributed all of their earnings, 33.11 per cent. contributed a part of their earnings and .65 per cent. or five out of 770 women kept their wages entirely for their own use. (Page 201.)

The amount of the contribution to the family income of their earnings was asked of 307 women in the rubber industry who lived at home and who were personally interviewed. Of the total number reporting 65.15 per cent. contributed all of their earnings, 34.53 per cent. contributed a part of their earnings and one out of 307 women kept her wages entirely for her own use. (Page 216.)

Report of the Kansas Department of Labor and Industry, 1913.

The inspector was unable to obtain full information as to the living conditions of all of these (women) wage earners, but definite information was obtained on 1794, of whom it was found that 1625, or over 90 per cent. were living at home, while only 169, or not quite 10 per cent. were living away from home. Of this 1794 women it was found that 34 per cent. were self-supporting only, while 22 per cent. are only partially self-supporting, receiving assistance from their families in addition to the wages earned; 790 women, or 44 per cent. were found who were obliged to support themselves and assist in the support of their families, and of this number 582, or nearly 74 per cent. received less than $9 per week. While this report shows the living conditions of only a little more than two-thirds of the women covered by the wage tables, it contains a number of women in each of the establishments investigated in the various lines of indus-

try and in the different localities, and we believe if full reports were obtained from the rest of these women the percentages shown above would show approximately the same results. (Page 23.)

Report of the Industrial Welfare Commission of the State of Washington on the Wages, Conditions of Work and Cost and Standards of Living of Women Wage-Earners in Washington. CAROLINE J. GLEASON. *Olympia, Washington. 1914.*

Among several causes that tend to keep the single and younger woman's wages below a standard of decent living, one stands out prominently. This is the idea, prevalent with employers, that the majority of young women live at home and work for pleasure or merely for pin money. Tables 33 to 35 inclusive throw light on the question of the number of girls who are supporting themselves away from home and at home on what wages they are doing it. For the purpose of conciseness all girls who reported that they were rooming in single rooms, rooming and boarding, or doing their own housekeeping are classified as "Adrift".

TABLE 33.

Showing Residence of 2,728 Female Employees in Five Cities Arranged According to the Population and Classified as at Home and Adrift.

City.	Per Cent. At Home.	Per Cent. Adrift.
Everett	80.3	19.7
Bellingham	68.4	31.6
Tacoma	69.2	30.8
Spokane	56.1	43.9
Seattle	54.4	45.6
Totals	63.3	36.7

(Page 85.)

TABLE 35.

Showing Residence of 3,058 Female Employees in Five Cities at Home and Adrift.

	Under $6	$6 to $7.95	$8 to $9.95	$10 or over	Total under $10	Totals No.	Totals %	% of Totals under $10	% of Totals $10 or over
At Home	264	551	439	462	1,254	1,716	56.1	67.9	38.
Adrift	78	206	305	753	589	1,342	43.8	31.9	61.9
Totals	.....	.....	.....	1,215	1,843	3,058	.....	.....	.....

Table 35 has a volume of interest within it. This table gives the wages of 3,058 girls, classified as At Home and Adrift. Of these fifty-six per cent. are living at home and 43.8 per cent. are adrift. 1,843 of the girls are receiving under $10 a week and 1,215 are receiving over $10. Of the 1,843 under $10, over two-thirds, 68 per cent., are living at home and nearly one-third, 32 per cent., are adrift. Of the 1,215 earning $10 or over, one-third, 38 per cent., live at home, and less than two-thirds, 62 per cent., are adrift. Of the 1,716 employees living at home, 1,142, or 66.4 per cent., reported that they contribute a definite amount of their earnings to the family income. These figures would seem to disprove the "pin money" theory. (Page 87.)

(4) Underpayment a Root Factor of Poverty.

Authorities agree in the opinion that low wages are a root factor in poverty and in the consequent lowering of the standards of living.

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. I. Appendix III. Minimum Wage Symposium.

Statement of Henry R. Seager, Professor of Political Economy, Columbia University.

The sweating system is a comprehensive term for describing any situation in which the worker is at such a disadvantage that he is forced to work long hours under unsanitary conditions for starvation wages. (Page 641.)

Since low wages are the heart of the evil any remedy to be effective must address itself directly to the wage problem. This is what the minimum wage does. It aims to cure the evil at its source. Any other remedy for the sweating system is at best a palliative. (Page 642.)

The Underlying Principles of Modern Legislation. W. Jethro Brown, *Professor of Law, University of Adelaide, South-Australia. 3rd Edition, London, Murray, 1914.*

The insufficient wage is first among the reasons why so large a proportion of the population is living below the poverty line. (Page 298.)

While wages have risen and hours of labour have shortened whole classes of the community have failed to receive any share of these gains, and the total bulk of poverty has in all probability increased—and that despite a period of great if not unexampled prosperity and of unparalleled private and public philanthropic effort, despite slumming, settlements, funds, General Booth's schemes, and the like. As a people we are slow to recognize the need of reform, more especially when reform requires the action of the State. But it is becoming increasingly clear that, as long as the policy of the Factory Acts is limited to the hours and conditions

of labour and is not applied also to the rate of wage, some of the gravest evils that prey upon our national life will never be overcome. (Page 301.)

Wage Earners' Budgets. A Study of Standards and Cost of Living in New York City. LOUISE B. MORE. *Henry Holt & Co., New York, 1907.*

From an economic standpoint, however, the amount of income is the most important factor in determining the standard of comfort attainable in an average workingman's family. (Page 270.)

Homestead: The Households of a Mill Town. MARGARET F. BYINGTON. *The Pittsburgh Survey. Russell Sage Foundation Publication. New York, 1910.*

As a permanent basis for American life, we must look to a larger budget. (Page 182.)

Brief for a Proposed Minimum Wage Law for Wisconsin. Prepared under the direction of JOHN R. COMMONS. *Wisconsin Consumers' League. Madison, 1911.*

All the protection afforded to the laborer as debtor, creditor, wage-earner, and wage-bargainer in the matter of hours of labor, sanitation, and methods of payment do not avail unless he receives wages sufficient to maintain himself and those dependent upon him in the necessary comforts of life. (Page 17.)

Poverty: A Study of Town Life. B. S. ROWNTREE, (*Director in the Firm of Rowntree and Co. Ltd., Manufacturers of Cocoa*). *Macmillan, London, 1901.*

Particulars were obtained regarding 11,560 families. (Page 26.)

Underpayment a Root Factor of Poverty.—Great Britain

On analyzing the cases of "primary" poverty in York, we find that they are immediately due to:

No. of Households Affected.	Immediate Causes of Primary Poverty.	Percent. of Total Population Living under Primary Poverty Line.
38	Chief wage earner out of work	2.31
51	Irregularity of work	2.83
640	In regular work but at low wages	51.96

(Page 120.)

British Sessional Papers. Vol. VIII. 1908. Report from the Select Committee on Home Work.

It is doubtful whether there is any more important condition of individual and general well-being than the possibility of obtaining an income sufficient to enable those who earn it to secure, at any rate, the necessaries of life. (Page XIV.)

Women in Industry from Seven Points of View. Legislative Proposals. CLEMENTINA BLACK. *Duckworth & Co., London, 1908.*

Underpayment, indeed, is the root of the whole industrial problem. It is really a more pressing and vital question than that of unemployment. We could succeed in grappling with the really unemployed if we were not embarrassed by the half-employed and the inadequately paid. . . . The cause is not in the least mysterious. Underpayment is a direct and quite inevitable result of unrestricted competition in the buying and selling of labour. Wherever that unrestricted competition prevails, the ultimate price of any industrial process comes to be the lowest rate at which any worker will consent to perform that process. Whenever all workers are receiving a higher rate, it is because competition has somewhere and somehow been arrested in its course. (Pages 190-191.)

Underpayment a Root Factor of Poverty.—Great Britain

State Regulation of Wages. EDW. R. PEASE. *International Magazine, London, May, 1909.*

The demand for state regulation of wages is based on the somewhat obvious truth that the best way to mitigate the evils produced by poverty, which all deplore and all desire to remedy, is to prevent poverty. The poor are poor because they are paid low wages for their work, and the squalor of their lives, their insufficient food and abominable clothing, the excessive mortality of their infants, the diseases and dirt of their children, are all due, primarily, secondarily, and simply to their poverty—that is, their insufficient wages. (Page 96.)

Women's Wages. DOROTHY ZIMMERN. *The Women's Industrial News. London, July, 1912.*

A very considerable proportion of our women, and by far the greater number of our working women, pass through wage-earning occupations between the ages of 14 to 20 or 25. Now this period is a very critical one for their development in every direction, and lays a permanent foundation of good or ill in the future; therefore, the amount of money which is at the disposal of girls at this time of their lives for the satisfaction not only of their physical, but also of their intellectual and moral needs, is of the utmost importance to their own well-being and to that of the next generation, and is worthy of the most careful consideration. (Page 49.)

National Conference on the Prevention of Destitution, London, 1912. Section, Unemployment and Industrial Regulation. CONSTANCE SMITH.

Those who had most strenuously supported industrial regulation had long felt, she believed, that industrial regulation must go forward to secure a legal minimum subsistence because it was the attainment of a living wage which lay at the root of our future industrial well-being. (Page 401.)

Ibid. The Work of the Trade Boards. J. J. MALLON.

It is unnecessary to show the ultimate dependence of social reform upon the reasonable remuneration of the worker. Except insofar as they raise the wages of the very poor, schemes of public improvement are destined to fail, and justice and expediency are alike served by their failure. We are driven, therefore, necessarily to consider the question of low wages. (Page 402.)

The Right to a Living Wage. L. T. HOBHOUSE. *The Interdenominational Conference of Social Service Unions, Swanwick, 1913.*

A society in which a large proportion of honest and industrious workers are unable to secure continuous employment at a wage which will maintain a family in a condition compatible with the requirements of physical health is fundamentally an ill-organized society; it has failed to secure a primary condition of healthy social life, and a society which sits down passively under such conditions and lets them alone is not only an ill-organized society but one which has lost faith in itself or is dead to its responsibilities. Hence it is that the problem of the living wage lies at the foundation of social life. (Page 64.)

Sweated Labour and the Trade Boards Act. Catholic Studies in Social Reform—Manual II, Edited by the Rev. THOMAS WRIGHT. *P. S. King & Son, London, 1913.*

The question of sweating is a question of wages, and to trouble about an amelioration of sanitary conditions and excessive hours of work so long as the wage question remained unanswered is akin to worrying about the trimming of the beard when the face of society is bruised and gashed. (Page 12.)

The Case for the National Minimum. Printed for the National Committee for the Prevention of Destitution. London, 1913.

The Legal Minimum Wage.

The problem of wages is the most live and important issue in social politics today. Old Age Pensions, Labor Exchanges, State Assistance for the Sick and Unemployed, Housing Schemes, School Feeding, and other forms of provision for special sections of the wage-earning class are desirable, even imperative, but the *root factor in destitution is the factor of low wages,* and until that is dealt with no substantial improvement in social conditions can be expected. In every department of social progress, public health, housing, education, and child nurture, the path of immediate advancement is found to be blocked by the prevalence of low wages. (Page 1.)

The Living Wage. Philip Snowden, M. P. *Hodder & Stoughton, London, 1913.*

The cost to the individual and to the community of the poverty which is caused by inadequate wages cannot be estimated. We pay for it in infantile deaths, in the crippled and damaged bodies of the children who survive, in the inadequate return we get from the expenditure on education, in the creation of unemployables, in sickness and loss of work, in consumption and other diseases, in pauperism, in the cost of public and charitable institutions for the support of the sick, the poor, and the insane, and in the incalculable loss of industrial and mental inefficiency. (Page 49.)

The Establishment of Minimum Rates in the Chain-Making Industry Under the Trade Boards Act of 1909. R. H. Tawney. *The Ratan Tata Foundation, (University of London). Bell, London, 1914.*

What is important to notice, however, is that the proposal to establish minimum rates of payment was defi-

nitely rejected by the Committee of 1888 to 1890. But the low wages of the workers were the key to the situation, and almost all the other evils described by the Lords in their report flowed ultimately from the single fact that the workers could be enforced to accept any payment which the employer dictated rather than face the loss of employment. Because wages were low they could not organize: "3d. a week to the union . . . is a loaf".* Because wages were low they were constantly in debt to the middleman or shop-owner, who used the hold which this gave him to reduce wages still further. Because wages were low, women and children were obliged to supplement the earnings of their husbands and fathers. Because wages were low the workers were underfed, living on "bread and a drop of tea";† and because they were underfed their earnings fell still lower, for one cannot make chain all day on bread and tea. (Page 24.)

* Third Report of Lords' Committee on Sweating System, 1889, 18,556, 19,342.

† *Ibid.* 19,131

(5) Underpayment Destroys Reasonable Competition Among the Workers.

The real purpose and effect of minimum wage legislation is not to restrict, but to open the way for, and preserve reasonable competition among the workers. When no limit exists below which wages may not fall, the laborer's freedom is in effect totally destroyed. He has no reserves upon which to draw and hence must accept any terms, regardless of his value. Such wages are not fixed by fair competition but have been called "a forced sale of value" (Mr. A. J. Balfour). Such a "forced sale" does not represent the true value of the services rendered nor the true market value of wages. The establishment of a minimum wage by enabling the workers to live in health and frugal decency provides the possibility of fair competition.

A Living Wage by Legislation. The Oregon Experience. Rev. Edwin V. O'Hara, *Chairman, Industrial Welfare Commission of Oregon. State Printing Department, Salem, 1916.*

The classic definition of a living wage is that given by Pope Leo XIII in his celebrated Encyclical Letter on "The Condition of Labor," published just twenty-five years ago (May 15, 1891). The whole of this remarkable document will repay careful study. I shall confine my quotation to a single passage:

"We now approach," says the great Pontiff, "a subject of very great importance and one on which, if extremes are to be avoided, right ideas are absolutely necessary. Wages, we are told, are fixed by free consent; and, therefore, the employer, when he pays what was agreed upon, has done his part and is not called upon for anything further. The only way, it is said, in which injustice could happen, would be if the master refused to pay the whole of the wages, or the workman would not complete the work undertaken; when this hap-

pens the State should intervene to see that each obtains his own, but not under any other circumstances.

"This mode of reasoning is by no means convincing to a fair-minded man, for there are important considerations which it leaves out of view altogether. To labor is to exert one's self for the sake of procuring what is necessary for the purpose of life, and most of all for self-preservation. Therefore, a man's labor has two notes or characters: First of all it is *personal;* secondly, a man's labor is *necessary;* for without the results of labor a man cannot live. Now, if we were to consider labor merely so far as it is *personal,* doubtless it would be within the workman's right to accept any rate of wages whatever; for in the same way as he is free to work or not, so he is free to accept a small remuneration or even none at all. But this is a mere abstract supposition; the labor of the working man is not only his personal attribute, but it is *necessary;* and this makes all the difference. The preservation of life is the bounden duty of each and all and to fail therein is a crime. It follows that each one has a right to procure what is required in order to live; and the poor can procure it in no other way than by work and wages.

"Let it be granted then," continues Pope Leo, "let it be granted then that as a rule, workman and employer should make free agreements and in particular should freely agree as to wages; nevertheless," (and this is the conclusion), "nevertheless, there is a dictate of nature more imperious and more ancient than any bargain between man and man, *that the remuneration must be enough to support the wage earner in reasonable and frugal comfort.* If through necessity or the fear of a worse evil the workman accepts harder conditions because an employer or contractor will give him no better, he is the victim of force and injustice. (Pages 4-6.)

We may observe in passing that minimum wage legislation does not really interfere with freedom of contract. The reverse is the truth. As Justice Higgins justly observes:

"The imposition of a minimum wage implies of course, an admission of the truth of the doctrine of economists of all schools, I think, that freedom of contract is a misnomer as applied to the contract between the employer and an ordinary individual employee. The strategic position of the employer in a contest as to wages is much stronger than that of the individual employee."

To speak of freedom of contract under such circumstances is the height of irony. The purpose of minimum wage legislation with its conferences or wage boards is to substitute to a limited degree a system of compulsory collective bargaining which will give to the contract between employer and employee some character of freedom by placing the contracting parties on a comparatively equal basis. (Page 14.)

Principles of Labor Legislation. JOHN R. COMMONS *and* JOHN B. ANDREWS. *Harpers, New York, 1916.*

Minimum wage legislation marks a new stage in the long line of attempts to equalize the power of employer and employee in making the wage bargain. In contrast with conciliation and arbitration, either voluntary or compulsory, which take place only after a demand has been made by one party and refused by the other, minimum wage laws seek to regulate the wage rate before any dispute over the terms of the wage bargain has arisen. Moreover, interference by the state between the parties to the wage bargain through conciliation or arbitration usually implies the organization of the workers and the existence of collective bargaining.* But in any modern industrial community large numbers of unorganized workers are found, still bargaining individually, employed at low wages and apparently unable to make any effective efforts themselves to improve their condition. If they are to be helped toward an equality in bargaining power with the employer, the state must take the initia-

* The industrial courts of Europe, previously described, employ conciliation in both collective bargaining and individual contracts.

tive. This it does by setting standards below which wages may not be depressed—in other words, by passing minimum wage legislation.† (Page 167.)

The almost entire absence of strong labor organizations and collective bargaining among this group of wage-earners is an important factor in producing the low wage scale. Many are women who are often members of a family group, unable to move from place to place in search of better opportunities, but remaining at home to overcrowd the few lines of work available in a given locality. Then, too, the majority of women workers are young and inexperienced and their frequent withdrawal from industry on marriage makes them look upon their work as only temporary. On the whole, it has been extremely difficult to form stable unions among women workers. (Pages 169-170.)

Another reason for the low wage scale, largely the result of the first, is the cutthroat competition of the workers for work. Among the unskilled, unorganized workers, the wage that the cheapest laborer, such as the partially supported woman, the immigrant with low standards of living or the workman oppressed by extreme need, is willing to take, very largely fixes the wage level for the whole group.

A third reason, the obverse of that just discussed, is the absence of active competition among employers for workers. With a plentiful supply of the lower grades of labor continually seeking employment, the employer need offer no inducement in the form of higher remuneration in order to fill his shop. . . .

Minimum wage legislation, therefore, may answer the demands of social policy in two ways. By setting a barrier below which wages may not fall, it lightens the pitiful poverty and prevents the degeneration in body and spirit of those forced to live on a wage too small to supply the necessaries of life. Competition among them no longer takes the form of offering to work for lower

† Modern minimum wage legislation is not comparable to the mediaeval fixing of wages by justices of the peace, which prescribed not a minimum, but the actual rates to be paid. See "Coercion by Government," p. 141.

wages, but that of developing greater efficiency. At the same time employers are forced to compete in efficiency of management, thus securing for society at large the many advantages of constantly improved methods of production. Minimum wage laws attempt neither to destroy competition nor to fix wages by law; they merely seek to set the lower limits to both in the interests of society as a whole. (Pages 170-171.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. I. Report of Commission.

The arguments in support of wage legislation may be summarized as follows:

It must be remembered that there is ever in our midst as a result of economic conditions an army of unemployed. This tends to keep the wages of the so-called unskilled workers at the lowest possible level, and thus, by leaving the wage question to the "law of supply and demand," we permit of a most perfect system of exploitation. (Pages 42-43.)

If it is desirable in the interest of the State to protect its citizens from exploitation, there is the same justification to prohibit employers from paying excessively low wages as for other modern restriction, such as the prevention of the employment of women for more than a specified number of hours per day or at night, or in unsanitary workshops. Low wages are an outgrowth of bad economic conditions. The value of the work done is not considered at all in the hiring of such workers. What the deciding point is is the need of the individual. (Page 46.)

Ibid. Vol. I. Appendix III. Minimum Wage Symposium.

Statement of Eugene E. Agger, Professor of Political Science, Columbia University.

The isolated laborer whose position is rendered weak by ignorance, relative incapacity or physical disability,

is of necessity limited in his bargaining with his employer to what the employer will offer. The laborer's minimum tends to be dictated by his own urgent necessities rather than by any conception of the real value of his services. In his competition with others therefore, fearing the disaster of unemployment, he tends to be pushed lower and lower down in the economic scale. (Pages 598-599.)

Statement of John H. Gray, Professor of Economics, University of Minnesota.

I think nearly all men in my line of study have come to the conclusion that, desirable as it is to preserve competition wherever possible, competition is no longer to be trusted to protect the individual where the competition is, on the one hand, between as large business units as we have, and, on the other hand, between as weak members of society, economically considered, as women and children; and any attempt to apply the old doctrine with its concomitant of freedom of contract, in this particular instance, is sure to be disastrous. In view of the present standards of living and the present condition of the class of workpeople under consideration, we are, I think, generally convinced that the results have already been highly injurious to social welfare, and that there are no natural forces which tend to remedy the evil. Therefore, State interference and a public fixing of a minimum wage for this particular class of workpeople seems highly desirable. It goes without saying that such standards ought to be fixed after the most careful and impartial investigation in each individual instance. (Pages 610-611.)

Statement of E. W. Kemmerer, Professor of Economics and Finance, Princeton University.

The argument in favor of the minimum wage that appeals to me most strongly may be stated as follows: Competition works very imperfectly, and, from the social point of view, inadequately, in providing a fair wage for certain classes in the community who are weak in their bargaining powers because of ignorance, lack of organization and immobility. (Pages 614-15.)

Statement of Adna F. Weber, Chief Statistician, N. Y. State Public Service Commission.

The fact is that the premises on which the economist bases his theory of wages (that free competition tends to give to each laborer the equivalent of what he produces) are seldom realized. Combination in place of competition, ignorance instead of knowledge, absence of a reserve supply of food, and many other circumstances contrary to the assumed premises or hypotheses of the economist, render untenable the position that wages are invariably or even generally fixed by natural economic laws, which may not be modified by any "artificial" standards of the legislator and administrator. This conclusion was reached at least twenty years ago by competent investigators. (Pages 678-79.)

Statement of D. J. McMahon, Supervisor of Catholic Charities, New York City.

Our economic phase of life in early times was dominated much by our political existence, and freedom in all things was the thought that ruled at the period when the Constitution was adopted and this was almost coeval with the change to factory and shop from the homes which brought about the development of the present system of capital and labor. Our economic life in relation to the State from the beginning was naturally in accord with the prevailing view that individual and social welfare was best protected by competition so that freedom should prevail throughout.

Competition under the *"laissez faire"* policy continued until now and the State did not interfere except to prevent fraud and theft. This system has been found wanting on many sides and if left still unchecked by the legislature we know not how near to slavery and inhumanity on one side or anarchy and revolution on the other would be the result. If all men were truly equal in perfect mental and moral make up, the principle might indeed prevail, but we have seen that the inhumanity of man to man will show itself when the spirit of selfishness becomes dominant.

Underpayment Destroys Competition.—Australia

If we have justly passed laws regulating the hours of work, the safety and sanitation in work, in regard to monopoly, etc., why should we hesitate to prevent by legislation the hardships and injuries and degradation which are the consequences of the improper wages? (Pages 717-722.)

Statement of Henry DeForest Baldwin, Lawyer, New York City.

I suppose cutthroat competition can be as ruinous to wage earners as it is to railroads. And the competition of the incompetent, and of those who are partially supported through other sources than their labor, may bring down the prevailing rate of wages to a point where the really competent workman cannot earn a decent living, while if he were relieved from this unfair competition, the wages of the competent would be advanced and the increased wage fully earned. (Page 741.)

A New Province for Law and Order. Industrial Peace Through Minimum Wage and Arbitration. Henry Bournes Higgins, *High Court of Australia, Melbourne* [*President since 1907 of the Court of Conciliation and Arbitration*]. *The Harvard Law Review, November, 1915.*

The imposition of a minimum wage, a wage below which an employer must not go in employing a worker of a given character implies, of course, an admission of the truth of the doctrine of modern economists, of all schools I think, that freedom of contract is a misnomer as applied to the contract between an employer and an ordinary individual employee. The strategic position of the employer in a contest as to wages is much stronger than that of the individual employee. "The power of the employer to withhold bread is a much more effective weapon than the power of the employee to refuse to labour."* Low wages are bad in the worker's eyes, but unemployment, with starvation in the background, is

*Engine Drivers, 5 Com. Arb. 9, 27 (1911).

worse. The position was put luminously once, as well as with unconscious humor, by an employer on whom a plaint was served for settlement of a dispute by the Court. In place of filing an answer, he wrote a letter to the registrar, denying that he was a party to any dispute. "I have never," said he, "quarrelled or disputed with a labourer of any kind. . . . If we cannot agree, well, we will part; that ends the whole. . . . Love is the power which will end all struggles, not legislation." Other respondents pin their faith, not to "love," but to the sterner "law of supply and demand." They treat this law as being, in the matter of wages, more inexorable and inevitable than even the law of gravitation, as not being subject, as laws of nature are, to counteraction, to control, to direction. "One may dam up a river, or even change its course; but one cannot (it is said) raise wages above the level of its unregulated price, above the level of a sum which a man will accept rather than be starved."* If the Court did nothing else than drag such theories into the light of day, and into free discussion, it would be doing good service to the community. But it is coming to be recognized that what the Court does in fixing a minimum wage is by no means novel in principle. There are many Acts of many legislatures which prescribe minimum conditions on other subjects. For example, Mining Acts often prescribe minimum conditions as to ventilation, timbering, safety appliances, machinery, sanitation. These matters are not left to individual bargaining. (Pages 25-26.)

A Living Wage. Rev. John A. Ryan. *Macmillan, New York, 1906.*

Now, this theory of the equalizing force of unfettered competition and unlimited freedom of contract, together with a very inadequate observation of the facts of industrial life, formed the basis of whatever claims the older economists had to be regarded as judges of the

* Engine-drivers, 5 Com. Arb. 27, 28 (1911); ship's officers, 6 Com. Arb. 6, 18 (1912); marine engineers, 6 Com. Arb. 95, 101 (1912).

morality of wages fixed by the method of unlimited bargaining. That their theory was false and their study of facts one-sided, was abundantly proved by the industrial experience of the land in which the theory was most widely preached and most thoroughly tested. The rise of the factory system in England and the introduction of the policy of *laissez-faire* were, indeed, followed by a remarkable increase in the production of wealth; but inequalities of opportunity were not reduced to a minimum; the remuneration of labor did not tend to conform to a measure of substantial justice. Nearly the whole of the increase in wealth went to the newly-made capitalists, while the wages received by the laborers were barely sufficient to keep them alive. . . . In a word, "the obvious and simple system of natural liberty" advocated by Adam Smith and his successors, brought, instead of a régime of justice, a period of horror that is known in economic history as the period of English Wage-Slavery. (Pages 16-17.)

. . . Negatively, liberty is absence of restraint; positively, it is the power to act and to enjoy. Now the restraints to action and enjoyment are not all political and legal; consequently the individual may possess the fullest immunity from governmental interference, and yet be hindered by some other restraints, such as, the strength, cunning, or selfishness of his fellows, from doing and enjoying those things that are essential to reasonable life. Whenever this happens, the absence of State intervention means the presence of insuperable obstacles to real and effective liberty. In a word, political and legal freedom are not an adequate safeguard to the welfare of the individual. As the Comte de Mun told the French Chamber of Deputies: "Liberty does not consist in a theoretical right, but in the possibility of exercising it. The power to be free, in a régime which puts the workingman's life at the mercy of supply and demand; which exposes himself, his wife, and his children, to the hardships of a competition that knows no moderation; which sets no limit to his exploitation except the interests of those who employ him,—the power to be free

in such conditions, when the need of subsistence is so pressing as to permit of no waiting, no choice, no hesitation, does not exist and consequently the laborer is not free." (Pages 297-298.)

The fact is that the underpaid laborer does not willingly sell his labor for less than the equivalent of a decent livelihood, any more than the wayfarer willingly gives up his purse to the highwayman. It is the superior economic force (which consists essentially in the ability to wait, while the laborer must go to work to-day or starve) possessed by the employer that enables him to hire labor for less than a Living Wage. And the employer who can afford to pay a Living Wage is no more justified in using his superior economic strength in this way than he would be justified in using superior physical strength to prevent the laborer from taking possession of a sack of flour or a suit of clothes that the latter had bought and paid for. In both cases the laborer is deprived by superior strength of something to which he has a right. As a determinant of rights, economic force has no more validity or sacredness than physical force. (Pages 325-326.)

Report of the Massachusetts Commission on Minimum Wage Boards, 1912. House Document No. 1697.

The need of work is so great and the workers are so numerous that the employers may dictate their own terms, limited only by their sense of social responsibility and by the restricted competition of other employment opportunities. The constant and even increasing tide of immigration is an important element in the situation.... (Page 16.)

By economic law rent and the price of commodities are determined by the value of the highest priced parts that are used. Surely if the economic laws of supply and demand and of profit worked the same way with labor, the women entirely dependent on their own earnings, the women who had no male earners to help them in the care of their broken families, and the women at home and in large families with few wage earners, make

a sufficient part of all the women workers to set the price of wages at the cost of living that maintains health. But with labor exactly the opposite is true. Here the price of the whole is fixed by that part which is produced the cheapest, *i. e.*, which is subsidized, or which exists at the lowest level. The woman supported by her father or husband, or who herds in the cheapest quarters and lives on bread and tea, sets the price offered to the woman who must be self-sustaining and who must live at a decent standard if she would preserve her efficiency and health. Were labor really a commodity which could be withheld from the market at will, it would be the more expensively maintained labor that would set the price, and the more cheaply or more advantageously maintained labor would enjoy a margin similar to the margin now enjoyed as profit and rent. As it is, instead of a lower price for labor decreasing the supply it actually increases it. (Pages 84-85.)

Artificial Flower Makers. Mary Van Kleeck. *Russell Sage Foundation Publication, New York, 1913.*

Economic pressure is recognized as an important factor in the wage bargain, and signs are not lacking to indicate that the wage received is in inverse ratio to the pressure. It is the worker nearest starvation who is most likely to accept starvation wages. If this be true, then the worker's standard of life will determine in part the wage received. In a trade where there is no collective bargaining, but the arranging of terms of employment is left to individuals, the poverty of applicants for positions will occasion a constant downward pull on wage standards. (Pages 72-73.)

The Theory of the Minimum Wage. Henry Rogers Seager, *Professor of Political Economy, Columbia University. American Labor Legislation Review, February, 1913.*

As to the first problem the view of the older economists was well expressed by Adam Smith: "A man

must always live by his work," he declared, "and his wages must at least be sufficient to maintain him." Fuller knowledge of the possibilities of a competitive labor market precludes us from subscribing to this optimistic view. No economist would now deny that starvation wages are sometimes paid to women and children, and even men, in communities which, judged by any other test, are in a highly flourishing and prosperous condition. Nor is there any great difficulty in disposing of the theory that there is a hard and fast economic law, according to which a person's wage must always be "at least sufficient to maintain him." Employers, in their effort to reduce their expenses of production, are not restrained by any such illusion. Speaking generally, they pay the wages that the market conditions require and consider it to be the employee's business to decide whether or not he can afford to accept these wages. On the side of employees, the competition for employment, may be so intense as to force wages below the living level, and the conditions which control the number of competitors may be so inflexible that they continue at starvation rates year after year with no tendency toward improvement. (Page 81.)

On Labour: Its Wrongful Claims and Rightful Dues. William T. Thornton. *Macmillan, London, 1870.*

Labourers cannot postpone the sale of their labour without incurring a loss corresponding exactly with the length of the postponement. So far as the morning's labour is concerned, it is of no use to them to know that the demand for labour will be twice as great in the afternoon as it is now, or that it is twice as great twenty miles off as it is here; for the morning's labour cannot be sold at all if they wait till the afternoon, or if they occupy the whole morning in walking to another place of sale. (Pages 97-99.)

With every labourer it is always, in one sense, Hobson's choice. He cannot have what is offered unless he accept it at once, whereas an employer has generally a chance of getting to-morrow, on as good or better terms,

what he refuses to-day. With a very poor labourer it is always Hobson's choice in the fullest sense. He must take the most he can immediately get, for he cannot wait for more; he cannot carry his labour to a better market, for he cannot spare the time to go there; he cannot retire from the profession of labourer, unless, when ceasing to work, he is content also to cease to live. Even if among many destitute workmen there were some few who had saved a little money, their savings would avail them little. To a large employer it would be a small inconvenience to dispense with individual workmen, but the individual workmen, as soon as their savings were exhausted, would be compelled to take fresh employment on such terms as they could obtain. Labourers with savings could do nothing without others to combine with them. Yet, uncombined, they could have little chance against even single masters, who, on the contrary, would have merely to use their special facilities for combining, in order to have their improvident men completely at their mercy. (Page 102.)

Laissez-Faire and Government Interference. Addresses on Economic Questions. VISCOUNT GEORGE J. GOSCHEN, M. P. *Arnold, London, 1905.*

. . . The doctrine of *'Laissez-faire'* meant that a man's own interest is one of the surest factors in the production of wealth; but if, in the pursuit of individual interest, it was proved that the safeguards for the security of the interests of others in life or limb were insufficient, the public demanded that restraint should take place. The plea has not failed to be put in, that the power to inflict injury or risk on the employed did not lie in the hands of the employers alone; that the employed might refuse to serve masters whom they could not trust; that self-interest, however selfish, would ultimately have to yield to the influences which would be brought to bear upon it; that to relieve the employers of responsibility would lessen some securities, though others might be offered. But in my judgment, it has become, wisely or unwisely, a matter of conscience with

the public, that it cannot stand aside when calamities occur; that the indirect action of other influences is too slow, or too uncertain; that in its own action alone it can find the satisfaction of its conscientious scruples. In view of this attitude of the public mind, I have spoken of the substitution of the conscience of society and national responsibility for the conscience of individual men. (Page 300.)

. . . As society becomes more complex, more crowded, as conflicting interests jostle each other more and more, so will the cry for more regulation become louder from day to day. Till some years ago the street traffic in the metropolis regulated itself. The rules of the road were held to suffice. The stream of vehicles passed to and fro under a very wide application of *"Laissez-faire"* and *"Laissez-passer."* But when blocks became more frequent, collisions more numerous, street accidents more and more a common occurrence, the cry arose for the police. Society in the shape of two policemen stationed itself in all the important thoroughfares. Coachmen were stopped, drivers directed, foot-passengers assisted, refuges constructed. Freedom of passage ceased. The principle of individual liberty yielded to organized control. Similarly on the highways of our industrial traffic, and in the movements of society along its various tracks, it would appear that collisions became so frequent, and accidents so numerous, complications, crowding, and disputes so intolerable, that the police of the State were summoned at every turn. Regulations unnecessary and odious in a simpler state of civilization not only became acceptable, but were loudly demanded. (Pages 304-5.)

. . . So long as legislation involving minute Government interference could be regarded simply as paternal legislation, it excited, not confidence, but distrust. The people of this country have never wanted the State to be parental. Now, when the State is invoked it is not invoked as a parent, or as a beneficent master; it is invoked as the agent, aye, as the servant of the people's will. From this point of view the movement is essentially democratic. (Page 310.)

Underpayment Destroys Competition.—Great Britain.

Principles of Economics. ALFRED MARSHALL, *Professor of Political Economy, University of Cambridge. Macmillan, London, 1907.*

Perfect competition requires a perfect knowledge of the state of the market; and though no great departure from the actual facts of life is involved in assuming this knowledge on the part of dealers when we are considering the course of business in Lombard Street, the Stock Exchange, or in a wholesale Produce Market; it would be an altogether unreasonable assumption to make when we are examining the causes that govern the supply of labour in any of the lower grades of industry. For if a man had sufficient ability to know everything about the market for his labour, he would have too much to remain long in a low grade. The older economists, in constant contact as they were with the actual facts of business life, must have known this well enough; but partly for brevity and simplicity, partly because the term "free competition" had become almost a catchword, partly because they had not sufficiently classified and conditioned their doctrines, they often seemed to imply that they did assume this perfect knowledge. (Pages 539-540.)

The want of reserve funds and of the power of long withholding their labour from the market is common to nearly all grades of those whose work is chiefly with their hands. But it is especially true of unskilled labourers, partly because their wages leave very little margin for saving, partly because when any group of them suspends work, there are large numbers who are capable of filling their places. (Page 568.)

The Remuneration of Women's Work. HAMILTON W. FYFE. *The Economic Review, London, April 1908.*

Low wages are not really due to ghoulish employers or to selfish workers. Most employers are ready to pay more, but are prevented by the competition of a few inefficient employers who undercut their prices. Workers are quite ready to take more, but hunger makes them

take what they can get, and that amount is continually depressed by the competition of the partially supported. The chief value of Wage Boards would be the extinction of this competition. (Pages 143-144.)

The Industrial Revolution of the Eighteenth Century in England. ARNOLD TOYNBEE, *Lecturer and Tutor in Balliol College, Oxford. Longmans, Green & Co., London, 1908.*

You all know that it has been said, I suppose a hundred thousand times in the last fifty years, that the wages of labour are determined by the demand for and supply of labour, just as the price of other commodities is determined by the demand for and the supply of those commodities. This is what the newspapers have said and many economists also; but there is an assumption in that statement which is not true. The writers who make that statement assume that the market for labour is identical in character with the market for commodities. Is that the case? The most eminent recent economists of more than one school have denied it. They have shown that there is a radical difference between the market for commodities and the market for labour, and that in the bargain of the labourer with the employer the labourer is, as an isolated individual, under a natural disadvantage. Remember that in the market for commodities buyer and seller meet on equal terms. They have equal knowledge, and probably—though not necessarily—equal capital. They can hold out for their reserve price; and if the merchant or the manufacturer cannot sell his commodities in one market, he has not the slightest difficulty in sending them to another. Further, a bargain about a bale of cotton goods does not convulse the industrial system, but the bargain about the price of labour involves the social condition of a whole class. In order to place the labourer on an equality with the employer in his bargain he must have equal knowledge with the employer of the market demand for employers and for labourers. But it is perfectly obvious that the employer has the advantage of the labourer in

point of knowledge. He knows better when to strike a bargain and when to hold out. (Pages 182-183.)

In the next place, in order that employer and labourer may bargain on equal terms they must both have a reserve price—that is, equal power of using their knowledge of the market. The isolated labourer is very much in the position of a merchant who has to sell without being able to hold out for his price. To enable the labourer to hold out he must have capital. He must be able to say to the employer, "Very well: if you won't give me my price, I will wait"; and he must be able to live during the time he is waiting. (Page 183.)

All these cases show that there is a real, essential difference between the market for labour and the market for commodities. I am not stating this in any other than a perfectly scientific spirit. It represents the careful analysis of the labour market by impartial men, and is accepted by economists of different schools. To put it shortly, we have in the market for commodities organised competition on equal terms and no social question involved; in the labour market we have unorganised competition and a great social question involved; and the statement of the conditions necessary to assimilate the labour market to the goods market is seen to be a statement of the labourers' disadvantage. (Page 185.)

Hansard's Parliamentary Debates. N. S. Vol. 4. 1909.

Mr. A. J. Balfour:

I admitted the truth of the Hon. Gentleman's statement that the result of raising wages was not in many instances to increase the price. The whole machinery of production may be improved, and the whole raising of wages of production may be improved. These wages are not fixed by competition, but it is a forced sale of value. It is not competition value. It is a forced sale value. It is grossly unfair of anyone to say that a forced sale represents the true value of the article sold. A forced sale never gives a true market rate of wages. Therefore, I do not think that if this Bill is properly worked it will interfere with anything that can truly be said to be a fair market rate of wages. (Page 384.)

Underpayment Destroys Competition.—Great Britain.

Mr. Winston Churchill, President of the Board of Trade:

. . . It is a serious national evil that any class of His Majesty's subjects should receive less than a living wage in return for their utmost exertions. It was formerly supposed that the working of the laws of supply and demand would naturally regulate or eliminate that evil. The first clear division which we make on the question today is between healthy and unhealthy conditions of bargaining. That is the first broad division which we make in the general statement that the laws of supply and demand will ultimately produce a fair price. Where in the great staple trades in the country you have a powerful organization on both sides, where you have responsible leaders able to bind their constituents to their decision, where that organization is conjoint with an automatic scale of wages or arrangements for avoiding a deadlock by means of arbitration, there you have a healthy bargaining which increases the competitive power of the industry, enforces a progressive standard of life and the productive scale, and continually weaves capital and labour more closely together. But where you have what we call sweated trades, you have no organization, no parity of bargaining, the good employer is undercut by the bad, and the bad employer is undercut by the worst; the worker, whose whole livelihood depends upon the industry, is undersold by the worker who only takes the trade up as a second string, his feebleness and ignorance generally renders the worker an easy prey to the tyranny of the masters and middle-men, only a step higher up the ladder than the worker, and held in the same relentless grip of forces—where those conditions prevail you have not a condition of progress, but a condition of progressive degeneration. Just as in the former the upward progress will be constant if nobody or no law gives a downward tendency, so it is that the degeneration will continue, and there is no reason why it should not continue in a sort of squalid welter for a period which compared with our brief lives is indefinite. (Page 388.)

Hansard's Parliamentary Debates. House of Lords. Vol. 2. 1909.

The Lord Bishop of Southwark:

Over large tracts of national industry labour has provided its own remedy by the method, at one time severely criticised, of a standard or minimum wage; but there remains an immense area. . . . in which it is impossible that organization can bring a remedy. We know that attempts have been made again and again to organize some of these branches of labour, but it has not been found possible. Within my own diocese there are great masses of such workers with regard to whom it may be said that interference is their only chance of freedom. These people cannot get any effective freedom unless you come to their rescue; and to resist that is not real loyalty to the principle of free contract, but an obstinacy which refuses to see where a principle is limited by other considerations. It is satisfactory to find that that obstinacy does not characterize at this stage of the matter either or any of the great bodies of political opinion. (Page 988.)

You have a state of things in factories—that is my experience in South London—which is quite deplorable in this way, that the workers are powerless to resist any pressure with regard to wages put upon them. The noble Marquis has told us that home-workers are in a far more parlous state still. Strong economic pressure is not really the only force; there is an element of caprice and uncertainty due to the fact that one side in the bargain has no power to keep things steady, and certainly in parts the very low wages tend to go lower still. (Page 989.)

The Industrial System: An Inquiry into Earned and Unearned Income. J. A. Hobson. *Scribner, New York, 1910.*

There is not for labourers the same liberty to refuse to sell their labour-power as there is for employers to refuse to buy. If a starving man meets a baker he will

pay all the money in his purse for a loaf of bread; the baker here exerts the maximum of economic power in bargaining for the price of his bread. Now a labourer bargaining with an employer for the sale of his labour-power is in an analogous case. He must sell, and he must sell now. The employer is not under the same compulsion to buy or to buy now. If the labourer does not sell he starves; if the employer does not buy he loses some profit. If the labourer can find two employers and make them bid for his labour, he can sell at a price above the bare subsistence price, *i. e.* at a price which is measured by the minimum profit at which one of the two employers will conduct his business. If, however, the two employers can find three labourers, two of which they wish to hire, they bring down the conditions of the price of labour to the starving-man limit.

Whenever, then, the ordinary condition of a labour market is such that there are more willing sellers than willing buyers, the price is virtually dictated to the seller by the buyer at the limit which we have already defined, that of the minimum standard wage. Now the larger part of the labour market of the world remains in this condition, offering at any given moment a surplus supply of labour willing to work at the ordinary conventional subsistence wage. Such labour is virtually obliged to sell its use for the marginal cost of production, *i. e.* for that share of the general product of industry just sufficient to maintain it in its accepted standard of living. (Pages 89-90.)

Profits and Wages in the British Coal Trade (1898-1910). Thomas Richardson, M. P. *and* John A. Walbank, *Chartered Accountant. Newcastle, 1911.*

Again, the individual worker has not full freedom in selling his labour. He is unable to hold out for a full wage, owing to his inability to exist meanwhile. It is a common statement of capital, when discussing the chances of some industrial dispute, to say that the employer can hold out longer than the employees. The employer has a reserve to fall back upon, labour has lit-

tle or nothing, and this force is always at work and tends to make the worker accept a lower wage than the employer is really prepared to pay. In fact, it tends to result in a lower wage being paid than need be paid, even under existing conditions, to enable an employer to profitably take existing work at existing prices. (Pages 65-66.)

Women in Industry. CONSTANCE SMITH. *Lecture Given at the Inter-Denominational Summer School at Swanwick, Derbyshire. Dent, London, 1913.*

My object . . . is to show, at the outset, the disadvantages under which many women enter the industrial labour market. The majority go there either as very young workers, with nothing but unskilled labour to sell, or as widows and married women whom economic pressure has compelled to resume wage-earning later in life. Most often the latter class have a family dependent upon them, and their circumstances rarely permit them to bargain with the giver-out of work as to the price to be paid for their labour. Work of some kind they must have, however ill remunerated; and they know that if they haggle over the amount of remuneration, if they even venture to suggest that it is not high enough, their chance of employment will be gone, for there are on their heels a whole crowd of women in like circumstances to their own, who will be ready to accept the work on the terms offered, or even to underbid them in order to secure it. (Pages 85-86.)

Report of Chief Inspector of Factories of Victoria, 1898.

During the past year the attempt to deal with the sweating evil by means of legislative action has been practically on its trial. To all those interested in the system of fixing a minimum wage, the year has been one of ~~anxiety,~~ and to the officers of this department one of anxiety, greatly increased responsibility, and extra work. Failure meant so much. Only those who are constantly in communication with those who earn a precarious daily

wage can realize what misery is brought about by uncontrolled competition—success, on the other hand, would mean another blow to the theory that the state cannot protect large numbers of its citizens from many of the evils of slavery. Where, for instance, is the freedom of men or women who, without money or food (either for themselves or others dependent on them), have to go and beg for work from men both able and willing to take full advantage of their necessities? . . . With these facts constantly before me it can be understood that the success of the system of fixing minimum prices by legislative action appeared of the greatest moment and importance.

With a full knowledge of the significance of the statement, I say I believe the system has been successful.

I do not for a moment claim that the system is perfect, and propose almost immediately to point out defects. That it has to a large extent prevented the worst evils of free competition appears to me to be beyond a doubt. In dealing with the effects of the various determinations of the boards, figures supplied by manufacturers will be given which will, I trust, satisfy the most incredulous. (Pages 4-5.)

La Fixation Légale des Salaires. (*The Legal Regulation of Wages.*) R. Broda, *Professor in the College of Social Science, Paris, Girard, 1912.*

Many decades passed before public opinion became aware of its fundamental error in declaring the relations between the buyer and seller of the "commodity" labor to be the same as the relation between the buyer and seller of any other commodity. It was long before public opinion perceived that a contract between equals was not possible between the employer and the individual worker who is threatened by immediate starvation if he fails to sell his labor. By the nature of things a new relation of subjection has developed between the employer and the "free" wage-earner who is at the same time protected by no tradition. The defencelessness and helplessness of the industrial wage-earner with regard to working hours, women's and children's work—which is a direct

attack upon race hygiene—often lead to such low wages that the nourishment and housing necessary for the preservation of the national welfare can no longer be secured, especially in the metropolis with its peculiar difficulties. (Pages 10-11.)

The Relation of Labor to the Law of Today. LUJO BRENTANO, *Professor of Political Economy, University of Munich. Putnam, New York, 1891.*

The chief cause of the little influence of the laborer standing alone in the determination of the sale of his commodity is this, that in consequence of his poverty he has, as a rule, nothing from which he can live except the sale of his labor. Every seller of other wares is rich in comparison with him. (Page 179.)

The isolated laborer is, on the contrary, compelled to a continual sale for the maintenance of his life. Or shall he keep his goods for a better market in the future? From what shall he live whilst he is waiting for a rise in prices? Shall he try whether or not he can find a better purchaser for his goods? Who is to furnish him the means to look up this place, and what will become of his family if he separates from them? There remains for him nothing but submission to the conditions which are offered him. The employer, however, fixes these conditions. It is he who alone determines the price of the commodity labor. (Pages 180-181.)

Lohnpolitik und Lohntheorie mit besonderer Berücksichtigung des Minimallohnes (*The Wage Question in Theory and Practice, With Special Regard to the Minimum Wage*). OTTO VON ZWIEDINECK-SÜDENHORST, *Professor in the Technical Institute of Karlsruhe. Duncker and Humblot, Leipzig, 1900.*

Freedom of contract has brought it about that work is done for a price which, notwithstanding the exertion of all his physical powers, does not yield the worker enough to save him from hunger.

Can such a contract be the will of the worker? That is the question which involuntarily confronts us. The fixing of so low a wage can certainly not be regarded as an expression of will on the part of the employee. The contract, however, is certainly willed; of that there can be no doubt, since the wage agreement as a two-sided agreement presupposes the union of wills in the act of contract. But the wage-clause, which is fixed by the will of the employer, but not by that of the employee, is conceded by the latter because he acts under compulsion exerted by the threatening spectre of unemployment in case he does not accept the conditions of work. In short, the famous freedom of contract is, in regard to the conditions of the contract and especially in regard to the price of work, a delusion. Even if the contract in itself is willed, that does not alter the fact that it cannot be regarded as a free act of choice of the work-seeker in regard to its individual conditions. (Page 357.)

Not only abstract reasoning but the facts also justify the recognition that we can only speak of a surety in the freedom of contract when the parties have a half-way equal interest in making the contract. (Pages 357-8.)

. . . The inequality lies in the material circumstances of the two parties, which, quite generally, in fact, almost without exception, form the basis in modern law for the assumption of wage-earning relations but which at the same time establish a difference of interest in the making of the contract. The inequality therefore lies in the essence of the wage relation. The capitalist or the manufacturer in control of capital could never be compelled by the necessity of his circumstances to pay wages which would lower his own standard of life to a plane on which he could no longer satisfy rational and obviously justifiable needs. (Page 358.)

It is only too well known that the employee does not find himself in this position; in the vast majority of cases he stands with his family face to face with hunger if he fails to accept the offer of wages from the employer. The inequality of the significance of the work-contract for the two parties reaches its climax in the fact that the

close of the contract means for the one party his very existence and usually for the other at the most the question of how he shall invest his capital. (Page 358.)

Der Mindestlohn. (*The Minimum Wage.*) D. PESL, *Member of the Bar of the Supreme Court. Duncker & Humblot, Munich, 1914.*

Does freedom of contract really exist when a work-agreement is made between the employer and his workers? This question must be answered with "no" in all cases in which the worker receives a wage which allows him and his family only a necessitous existence or not even that. Who believes that such a worker really declares of his own free will to the employer that he is ready to sell his working strength for this wage? When we read in an official report of an investigation made by the Vienna Chamber of Commerce and Trade in 1898 of the distress of the weavers in the nether-Austrian forest-quarter, and learn that in many cases man and wife together, by strenuous work, could only earn a weekly net income of about 2 marks, and that in no weaver's home did anybody receive a sufficient wage; when we know that the basket-weavers of middle-Germany earn from 3 to 4 marks weekly, that the weavers of Saxony are, even to-day in a wretched position—can anyone say in earnest that all these workers have freely chosen such a contract? In these and a hundred thousand other cases, there can be no talk of freedom of contract; it was not the will and wish of the workers which caused them to make such a contract, but they stood, and yet stand, under the compulsion of hunger and distress. (Pages 312-313.)

E. THE FINANCIAL BURDEN IMPOSED UPON THE STATE.

(1) The Deficit Between Wages and Cost of Living.

Statistics of wages collected by state and federal government and by authoritative private investigations prove that a large proportion of workers in the United States are paid wages too low for decent self-support.

The minimum wages, fixed by different state wage commissions, for women employed in various industries are based upon the minimum cost of living and vary from $7 to $10 per week. Similar figures have been reached by budget studies made in states where there are no wage commissions.

The following tables show in state after state the extremely high proportion of women receiving weekly wages lower than the official figures representing the minimum cost of living for women in health and frugal decency. The deficit between earnings and cost of living is thus statistically set forth.

(a) general.

Principles of Labor Legislation. John R. Commons *and* John B. Andrews. *Harpers, New York, 1916.*

That a large proportion of unskilled workers are paid wages far too low for decent self-support is a fact confirmed by many wage investigations and well known to those even slightly familiar with present-day industrial conditions.

(1) Low Wage Scale.

It is the consensus of expert opinion at the present time that a weekly wage of $8 or more is necessary under urban conditions for the maintenance of a self-support-

ing woman in simple decency and working efficiency, and that a man with a wife and three children requires at least $15 to $20 weekly for their proper support. Yet a recent study on woman's wages in the United States concludes that 75 per cent. of female wage-earners receive less than $8 weekly, 50 per cent. less than $6 and 15 per cent. less than $4, and that these wages are further reduced approximately 20 per cent. through lost time and unemployment. The pay of unskilled male workers is at a correspondingly low level. Streightoff, in his discussion of American standards of living, estimates that at least six million adult men, married as well as single, receive less than $600 a year, or $12 a week. More intensive investigations bear out these figures. The United States Immigration Commission studied a large number of typical households representing both native and foreign-born in sixteen leading industries. More than half of the male heads of families earned less than $500 a year, and nearly two-thirds less than $600. More recently, the New York State Factory Investigating Commission examined the pay-rolls of over 2,000 stores and factories during the fall, winter, and spring of 1913-1914. Out of 57,000 women and girls, approximately 34,000 or 60 per cent. earned less than $8 in a typical week. Seven thousand out of 14,000 married men, or 50 per cent., earned less than $15.

It seems, then, no exaggeration to say that the majority of low-skilled industrial workers in the United States receive wages too small for decent self-support. This fact explains the demand for minimum wage legislation as necessary to social welfare. (Pages 168-169.)

A number of investigations were made to determine the cost of living for a self-supporting woman, and, notably in Massachusetts and Oregon, budgets were carefully worked out to cover all the items considered necessary. Such estimates cover very moderate amounts for food, clothes, shelter, and washing, sometimes but not always medical expenses and carfare, and also allow a meagre sum for recreation, education, and a short vacation. No provision is made for insurance or sav-

ings, yet the other items alone amount up to $8 or $10 weekly. It becomes, then a matter of grave social concern when careful studies show that a majority of women wage-earners in the United States receives less than this amount. (Page 181.)

Women's Work and Wages in the United States. C. E. Persons, *Associate Director of the School for Social Economy, Washington University, St. Louis. Quarterly Journal of Economics, February, 1915.*

Of the eight states, excluding Utah's flat rate, defining the measure of a minimum wage, all are practically in line with California's statute, which declares that it should be "not less than a wage adequate to supply to such women and minors the necessary cost of proper living and to maintain their health and welfare." And so far as the phraseology of the statutes has found practical application in the acts of wage boards and commissions there is clear evidence of an intent to carry out such a liberal interpretation. These early wage determinations, under the statutes, and the results of various investigations, agree that such living wages under American conditions will be more than $8.00 per week. There is substantial agreement also that $7.00 represents about the level of a bare existence.

If these figures represent the level above which eight states are pledged to hold women's wages and the goal toward which other states with active minimum wage propaganda are striving, it becomes of highest importance to learn what the actual level of wages is and how great the proposed change may prove to be. In answering this inquiry we have abundant, though not always entirely satisfactory, data. The investigation of the Bureau of Labor covered over 100,000 women wage earners 16 years of age and over. These were found in the cotton, men's clothing, glass and silk industries; in factories and in various selected industries. Unfortunately only a small proportion of the 35,000 workers

in stores can be classified as to age. Of these 100,000 workers, 18.6 per cent. received under $4.00 in the representative week for which wage quotations were taken. Nearly 49 per cent. received under $6.00; and nearly 77 per cent. under $8.00. This leaves but 23 per cent. of these workers receiving the living wage agreed upon by our minimum wage investigations, and suggests that fully 50 per cent. received less than the amount which investigators agree represents the lowest subsistence wage. The more comprehensive report of the Census Bureau in 1905 covered more than 588,000 female workers over 15 years of age, in manufacture, and gives almost identical results; it shows 18.4 per cent. receiving under $4.00 per week; 49.8 per cent. under $6.00; and 77.9 per cent. under $8.00. The reports of the Immigration Commission dealt with industries in which immigrant, and by inference low paid, labor was especially prominent. The age division was put at 18 years and the wage limits quoted at $5.00 and $7.50. Without presenting the evidence in detail it may be stated that approximately half of the females over 17 years of age listed received less than $7.50 per week. (Pages 207-208-209.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. I. Report of Commission.

Cost of Living.

A typical weekly budget of a girl working in a trade for $6.00 a week is as follows:

Half of the furnished room	$1.50
Breakfast and dinner	2.10
Lunch	.70
Carfare	.60
Clothes at $52 a year	1.00
Total	$5.90

This leaves a balance of 10 cents. In this account there is no allowance possible for doctor or dentist, amusements, newspapers or extra carfare. After saving the balance for one year, this girl would have $5.20 if she worked steadily, and had no expenditures other than those given in the schedule. But the trade in which she works is seasonal so she will not work the full 52 weeks. Her annual income may therefore be reduced one-fifth or more from even the low level given above.

Dr. Streightoff in his report states that the cost of living includes: "food, clothing, shelter, intellectual development, recreation and a provision for the future." He holds this to be a concept of a decent livelihood which is defensible at every point. In considering the question of adequate self-support the standard of living set by such an organization as the Young Women's Christian Association, dealing largely with working women, may be accepted. This organization has a list of available rooms and boarding places, which have been investigated, and which it considers suitable for working women. On inquiry, it is found that there are only a few rooms in New York City at $2.50 a week; that comfortable rooms can be secured usually only at $4.00 a week and that occasionally board and lodging may be had for $7.00, but that the usual price is $9.00.

It is quite apparent that this standard is altogether too high for the great mass of working women investigated, over 50 per cent. of whom receive less than $8.00 a week. Dr. Streightoff, after careful computation and study of reports of students of the subject, concludes that the very lowest sum upon which a working woman can decently maintain herself in that "city of the State where the rents and food prices seem about the lowest, in Buffalo, is $8.20 per week the year round, and in New York City, $9.00." Even at this figure it will be seen that the great army of working women can not adequately support themselves. (Pages 37-38.)

The Industrial Commission of Ohio. Department of Investigation and Statistics, Report No. 14. 1915. Cost of Living of Working Women in Ohio.

The detailed daily accounts kept by 208 working women show, as has been stated, an average excess of expenditures over income of 4 cents per week. Classified according to income from all sources, these accounts show an increase in total expenditures as the income increases until an income of $11 or over per week is reached. . . .

The average expenditure of the group of 22 women whose weekly incomes were less than $6, was 2 cents per week less than their average income. Four out of seven of the classified income groups show that the average expenditures exceeded the average incomes.

The total weekly income from all sources was less than $8 for 94 of the women who kept detailed daily accounts. The average weekly income for this group of 94 was $6.53 and the average weekly expenditure was $6.82; an average excess of expenditures over income of 29 cents per week.

The excess of expenditures over income is due, as has already been stated, largely to the fact that almost three-fourths of the account weeks fell in September, October and November, when fall and winter clothing was being purchased and the expenditure for that item is greater than during any other season of the year.

Some of the women whose total expenditures exceeded their total income during the short period covered by the daily accounts, were in debt for board and room and occasionally for medical attendance or for clothing, but a large majority had withdrawn money from previous small savings to meet the increased expenditures for clothing arising during the fall and early winter months.

The following table compares income from all sources and total expenditure for the 208 women who kept detailed daily accounts for periods varying from four to ten weeks.

Average Weekly Income and Expenditures, by Income Groups.

Weekly Income Group.	Number of accounts.	Average weekly income.	Average weekly expenditure.	Per cent. of income expended.	Average surplus per week.
Less than $6	22	$4.96	$4.94	99.6	$0.02
$6 but under $7	29	6.37	6.67	104.7	*.30
$7 but under $8	43	7.44	7.88	105.9	*.44
$8 but under $9	44	8.33	8.25	99.0	.08
$9 but under $10	24	9.32	9.82	105.4	*.50
$10 but under $11	24	10.24	10.71	104.6	*.47
$11 or over	†22	11.95	10.31	86.3	1.64
Total	208	$8.24	$8.28	100.5	*.04

* Deficit.

† Six of the 22 reporting incomes of $11 per week or over averaged slightly more than $12 per week for the account period, but in each case the annual income was $624 or less.

(Pages 18-19.)

The average total income of the 163 boarders and lodgers who kept daily accounts was $8.33 per week and their average total expenditure was $8.52 per week. The average expenditure was equal to 102.3 per cent. of the average total income and the margin of difference was a deficit of $0.19 per week. (Pages 19-20.)

Bulletin of the Pennsylvania Department of Labor and Industry, January, 1915.

Weekly Wage Rates of Women Employed in 5 Philadelphia Department Stores.

It has been found that in order to maintain a normal existence, an average weekly expenditure of $4.40 for food and shelter, $1.71 for clothing, $0.60 for car-fare, $0.17 for recreation and $1.65 for laundry, health, insurance and incidentals—a total of $8.53—is necessary. The wage tables reveal that in the down-town department stores 69.2% of the women earn less than this amount, and 50.9% earn less than $8; in neighborhood department

stores, two-thirds of the women earn under $8 and practically all those in the smaller neighborhood stores receive still less. The vital question facing these women is how to provide for other necessaries of mind and body after food and shelter have been paid for. The strain attendant upon this continued struggle must in the end tell on health and business ability. (Pages 95-96.)

The Legal Minimum Wage in the United States. Arthur H. Holcombe. *American Economic Review, March, 1912.*

The most recent and probably the most satisfactory attempt to determine the cost of maintaining the normal American standard of living is that of Mr. Frank H. Streightoff. He places the minimum family income adequate to the maintenance of normal living conditions in the smaller cities of the North according to the generally prevailing American notions of decent living at $650 a year. Dr. Chapin places the figure at $800 or over in New York, but in order to avoid appearance of exaggerations, let us take the figure of $600. The most recent and probably the best evidence concerning the number of households receiving less than this minimum family income is contained in the reports of the Immigration Commission. In the official abstract of the report on immigrants in manufacturing and mining the public is informed that the average annual family income in sixteen leading industries in which a large number of typical households, representing all nationalities, native and foreign, were intensively studied, is $721. The report does not indicate what percentage of this number of households receive an annual income of less than $600; but it is stated that no less than 31.3 per cent. receive less than $500 a year and 7.6 per cent. receive less than $300. The annual earnings of male heads of families alone are lower. More than half earn less than $500 a year, and nearly two-thirds earn less than $600 a year. If we examine the official abstract of the report on immigrants in cities we find even more depressing

conditions. Of 5,825 families dwelling in the typical congested blocks in New York, Chicago, Philadelphia, Boston, Cleveland, Buffalo and Milwaukee, the male heads earned on an average only $475. No less than 72.2 per cent. of the whole number earned less than $600 a year, and 41.2 per cent. earned less than $400. The average annual earnings of the 3,609 females in the households studied and reported in the abstract on immigrants in manufacturing and mining were $304. No less than 26.4 per cent. of them earned less than $200 a year. The average annual earnings of the 2,590 females 18 years of age or over working for wages and reported in the abstract on immigrants in cities were $239. No less than 67.9 per cent. of these earned under $300 a year and 44.8 per cent. earned under $200 a year. With these latest official figures in mind concerning the extent and intensity of under-payment, we are prepared to accept Mr. Streightoff's estimate that at least five million adult males receive less than $600 a year for their labor. . . . . In the light of these and other recent investigations into the standard of living among the industrial population of the United States the fact that a very considerable number of working people are now employed in the United States at less than an American standard of living wage may be regarded as sufficiently established. (Pages 31 to 33.)

Report of the Social Survey Committee of the Consumers' League of Oregon on the Wages, Hours and Conditions of Work and Cost and Standard of Living of Women Wage Earners in Oregon with Special Reference to Portland. CAROLINE J. GLEASON, *Portland, Oregon, 1913.*

Table 2 below gives the average annual wage and expense of the 509 women interviewed in Portland, classified according to industry and whether they were living at home or adrift. The saving or deficit is also indicated, showing the amount of outside help required for the girl's support.

It will be observed that the average girl in every

occupation, except office work, receives wages which are inadequate for her support, and consequently would face the end of the year in debt if she does not receive assistance from her family or some outside source. * * *

TABLE 2.

Average Annual Wage and Expense of 509 Women Wage Earners in Portland, classified by occupation and as to living at Home or Adrift:

LAUNDRY— No.	Average Annual Wage	Expense	Deficit	Saving
9 At Home	$423.00	$474.45	$ 51.45	
27 Adrift	464.00	475.05	11.05	
FACTORY—				
82 At Home	416.92	426.98	10.06	
18 Adrift	395.00	438.83	43.83	
OFFICE—				
57 At Home	542.14	599.50	57.36	
31 Adrift	692.90	617.07		$ 75.83
DEPARTMENT STORES—				
81 At Home	459.50	605.36	145.86	
35 Adrift	480.57	572.42	91.85	
MISCELLANEOUS—				
99 At Home	440.24	539.29	99.05	
70 Adrift	458.71	526.68	67.97	

Out of 127 persons who offered information, other than the schedules called for, 70 stated that they could not live on their salaries if they did not receive outside help; 22 had to help support families that ranged from four to nine persons; 15 others said they had children to support; 62 claimed to receive assistance from home. The wage ranged from $2.50 to $12 per week. (Pages 21-22.)

Table 3 shows what is the average cost of living for 101 young women in the state at large. The evidence is practically the same as that from Portland. Outside it amounts to $9.82 a week, or $42.55 a month. In some towns the actual cost of living would be slightly lower on account of lack of car service.

TABLE 3.

Average amount spent annually by 101 women wage earners in miscellaneous occupations in Oregon (outside Portland). Information obtained from Ashland, Baker, Eugene, Forest Grove, LaGrande, Medford, Oregon City, Pendleton, Salem and Vale:

Room and Board	$278.62
Clothing	137.50
Laundry	16.00
Carfare	21.00
Doctor and Dentist	18.00
Church and Lodge	12.52
Reading	6.54
Recreation	20.50
Total	$510.68

$9.82 a week; $42.55 a month. (Page 22.)

Investigation has shown that $10 a week is the very least on which the average self-supporting women can live decently and keep herself in health in Portland. This means a steady income of $520 per year. How this would have to be spent, were women in all cases living as they should, is indicated by the following schedule:

TABLE 37.

	Per Year.
Room and Board, $25 per month	$300
Clothing	130
Laundry Bills	25
Carfare	30
Doctor's Bills	15
Lodge and Church Dues	10
Recreation, including vacation	25
Education and Reading	10
Total	$545

If we were to omit the sum allowed for recreation, $25 a year, we would bring the actual cost to $520 a year, or $10 a week, for bare necessities. (Page 67.)

Report of the Kansas Department of Labor and Industry, 1913.

The ever-increasing number of women who have entered the various lines of gainful employment in Kansas, and the wages, hours and conditions under which such

women work, has been made the subject of special investigation by this department during the past year. (Page 9.)

In summarizing the statistical tables showing the women employed in the various industries investigated the results have been shown in six separate tables. . . . These tables cover a total of 6544 women, but only 6067 of them are classed as full-time workers, and the following analysis is based on this table of full-time workers. This table shows that of this number 248, or approximately 4 per cent. receive under $4 per week; 1524, or 25 per cent. receive $4 and over, but under $6 per week; 2741, or 45 per cent. receive $6 per week and over, but under $9; 1169, or 19 per cent. receive $9 and over, but under $15, while 386, or 7 per cent. receive $15 per week or more. From this it will be noted that approximately 74 per cent. receive under $9 per week. Many students of social conditions in this country who have made an investigation of the cost of living have placed the minimum living wage at $9 per week. Assuming that this is correct, only 26 per cent. of the women investigated in the various factories, stores and other establishments visited receive a living wage. (Page 22.)

Second Report of the New York State Factory Investigating Commission, 1913. Vol. II. Appendix IX. Mercantile Establishments.

Of even greater importance than the demand of the work and the hours of labor are the prevailing wages paid to girls and women employed in department stores. (Page 1257.)

Since the earnings are not adequate for self-support, it is apparent that the standard of living in a large number of cases must be depressed below the level on which health and efficiency can be maintained. Yet the working efficiency of the individual is primarily dependent on her standard of living. The inadequacy of the wage is an evil which no amount of care in the sanitary appointment of the stores nor hospital service, nor welfare work can compensate for. (Page 1263.)

In New York City, where living expenses are highest, the proportion of those earning less than $7 was 44 per cent. These wages, though higher than those paid in

five and ten cent stores, are also clearly beneath the level of subsistence. Such is the income of these women. The Massachusetts Minimum Wage Commission estimated that $9 to $11 is a "living minimum wage for women".

In some way, therefore, the difference must be met between the ascertained earnings of these New York women and their necessary expenses of living.

The girls often live with such excessive economy and upon such short rations that health suffers and future earning capacity is permanently undermined. Thus the workers themselves are made to pay unfairly in strength and vigor, instead of receiving a living wage from the industry which employs them. (Pages 1260-1261.)

Third Report of the New York Factory Investigating Commission, 1914. Appendix II. The Paper Box Industry in New York City.

Interviews were held, in the factories and in the homes, with 227 women representing thirty-seven factories. Full trade histories were secured in almost all cases and reasonably full personal histories. (Page 144.)

The women interviewed were fairly representative of the trade as to nationality, but averaged older and steadier, and therefore their median wage, $7.50, was higher than the median wage for women in the whole trade. Questions as to loss of time for industrial or personal reasons showed an average loss per person of twenty-eight working days per year. If we add the eight legal holidays usually observed and not paid for, the wages are reduced by 9 per cent., that is, to $6.90. In the opinion of the agents this is an optimistic estimate. (Page 145.)

Domicile.—Sixty-four per cent. were living at home; 19 per cent. were living with relatives; 17 per cent. were lodging with strangers. (Page 146.)

Contributions to the Families.—Of the 178 who lived at home, 116, or 65 per cent., turned in all their wages. Several others contributed all but $1, which they used for their small expenses. Those who paid board at home

paid in most cases $3, $3.50 or $4. Those who lived with relatives occasionally turned in everything, but were more apt to pay board varying somewhat with their wages. The usual board is $3 or $3.50. (Pages 150 to 151.)

Cost of Board and Lodging.—Of the 46 women and girls living alone, 38 were entirely self-supporting. Some of these girls board; others live in furnished rooms, getting their meals outside; and one woman has her own little apartment. Fourteen live in furnished rooms. Three of these, who are American born, pay $2 to $2.35 a week; eleven, all Russian born, pay $3 a month for "sleeps," as one of them expressed it. This is apt to mean a sofa in a room with others, or one-half of the landlady's bed. Meals may be taken with the landlady or bought at a restaurant. Breakfast usually consists of coffee and rolls or an apple from a fruit stand. Many go without breakfast. Luncheon of meat and potatoes and a vegetable or dessert is apt to cost 15 cents. Dinner costs 15 to 25 cents. Three dollars is the usual weekly cost of food, including luncheon. It could not well be less. The minimum amount paid for lodging, which is also the usual amount in the case of the foreign born, 70 cents a week, making a total cost for board and lodging $3.70. This is almost precisely the usual amount paid by those who board and lodge in the same house. There are wide differences, of course, the smallest amount for board being $2.50, the largest $5.75. The expenditures vary partly with the wages. Most of the girls spend 51 per cent. of their wages for board and lodging. (Pages 156 to 157.)

It can be easily seen that a girl whose wage rate is $7.50 a week and whose actual earnings do not average more than $6.90 must be poorly housed, insufficiently fed and meagerly clothed. Any need for a doctor or dentist, any call to help needy relations on this side or the other, must result in actual deprivation. (Page 157.)

(b) SOME STATISTICAL STUDIES.

Biennial Report of the California Bureau of Labor Statistics, 1911-12.

Weekly Earnings of Women Employed.*

	Per Cent. of —Workers Earning (Cumulative)—				Total number investigated.
	Under $3	Under $6	Under $9	$9 and over.	
San Francisco:					
Manufacturing	0.1	6.5	40.1	59.9	8,742
Wholesale	—	3.0	24.8	75.2	2,097
Retail	1.1	10.4	30.4	69.6	4,860
Miscellaneous	—	—	19.6	80.4	388
Total	0.4	7.1	34.7	65.3	16,087
Los Angeles:					
Manufacturing	0.3	8.2	47.7	52.3	5,604
Wholesale	—	2.6	17.8	82.2	818
Retail	0.3	12.9	38.8	61.2	5,327
Miscellaneous	—	—	15.4	84.6	162
Total	0.3	9.8	41.2	58.8	11,911
Oakland:					
All industries	—	11.4	52.8	47.2	2,843
Sacramento:					
All industries	1.7	17.7	48.0	52.0	1,335
San Jose:					
All industries	—	2.3	36.8	63.2	554
Stockton:					
All industries	1.5	4.7	34.7	65.3	527
San Diego:					
All industries	1.4	8.6	49.9	50.1	1,076
Total for the State, including small towns	0.4	8.5	38.8	60.2	37,204

(Computed from pages 91-101.)

*No statement made as to whether these figures are rates or actual earnings.

First Report of the Colorado Wage Board, 1914.

Weekly Earnings of Women Employed.

Industries.*	Per Cent. of —Workers Earning (Cumulative)— Under $6	Under $7	Under $8	Under $9	$9 and over.	Total number investigated.
Department stores	31.7	41.4	52.8	65.8	34.2	1,429
5-10-15 ct. stores	21.0	82.4	91.2	93.8	6.2	114
Bakeries	10.5	37.5	51.2	62.7	37.3	314
Printing and bookbindery	18.1	27.0	35.3	44.3	55.7	133
Factories	18.7	35.6	48.1	60.7	39.3	817
Laundries	9.7	34.3	54.5	69.2	30.8	381
Laundries (state)	18.1	49.4	68.7	87.2	12.8	336
Telephone	0.3	5.4	21.6	29.8	70.2	720
Total	18.52	34.59	48.47	60.60	39.40	4,244

(Pages 12-14. Totals computed from p. 11.)

* Denver only, except laundries.

Report of the Connecticut Commission to Investigate the Conditions of Wage-Earning Women and Minors, 1913.

Weekly Earnings of Women Employed in 5 In dustries.

Industries.	Per cent. of Workers Earning (Cumulative)							Total number investigated.
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over.	
Cotton	1.90	5.63	15.49	29.28	44.21	57.14	42.86	1,045
Silk	7.52	16.89	32.70	58.15	72.30	82.07	17.93	1,474
Metals	3.06	11.21	25.87	48.99	79.96	92.88	7.12	3,323
Corsets	9.13	20.12	32.60	50.14	66.42	82.81	17.19	1,739
Rubber	4.18	11.97	30.41	49.43	75.86	93.73	6.27	526
Total	5.10	13.49	27.52	48.40	70.79	84.20	15.80	8,107

(Computed from p. 17.)

Commission's estimate of minimum cost of living, $7.00 ("barely a living wage").*

* Page 16.

Bulletin of the United States Bureau of Labor Statistics, No. 116. April 8, 1913.

Weekly Earnings of Women Employed in District of Columbia.

Industries.	Per Cent. of Workers Earning (Cumulative)							Total number investigated.
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $10	$10 and over.	
Retail stores	13.82	30.52	45.43	60.64	72.10	85.36	14.64	2,670
Laundries	—	11.94	71.64	88.06	97.02	97.02	2.98	67
Printing	—	—	—	—	—	100.00	—	22
Confectionery	—	—	1.75	42.10	80.70	80.70	19.30	57
Tailoring	—	—	—	—	7.14	28.57	71.43	14
Supply house	—	67.62	78.41	83.45	87.77	94.24	5.75	139
Paper boxes	25.93	59.26	66.67	85.19	85.19	96.30	3.70	27
Total	12.55	31.14	46.36	61.45	72.83	85.88	14.12	2,996

(Computed from pages 21, 32.)

Bulletin of the United States Bureau of Labor Statistics, No. 160. October, 1914.

Weekly earnings of women employed in Indiana.

Industries.	Per Cent. of Workers Earning (Cumulative)							Total number investigated.
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over.	
Retail stores	14.5	27.8	37.2	48.9	59.0	67.4	32.6	711
Garment factories	17.2	27.5	40.3	52.8	65.5	75.4	24.6	5,843

(Pages 34, 74.)

Bulletins of the Massachusetts Minimum Wage Commission.

Weekly Earnings of Women Employed.

Industries.	Per cent. of Workers Earning (Cumulative) Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over.	Total number investigated.	Official minimum wages based on minimum cost of living and financial condition of the industry.*
Brush factories	17.6	42.7	66.2	79.0	88.6	93.0	7.0	597	15½c. per hour.†
Corset factories	9.6	20.0	35.5	53.5	68.7	83.6	16.4	2,110	8.00
Candy factories	23.1	49.0	69.6	83.3	92.1	97.5	2.5	3,326	8.50
Laundries	8.2	25.0	51.5	68.8	82.2	91.8	8.2	2,961	
Department stores	11.6	22.5	33.9	46.3	66.4	78.5	21.5	6,449	
5 and 10c. stores	8.4	49.8	84.4	92.8	95.9	97.6	2.4	418	
Paper boxes	16.1	30.2	44.5	60.4	75.7	85.4	14.6	2,178	
Women's clothing	15.2	31.4	50.1	64.4	78.1	87.9	12.1	1,961	
Hosiery and knit goods	11.8	24.0	40.7	59.0	74.3	86.6	13.4	3,460	
Total	13.47	29.02	46.39	61.47	76.33	86.65	13.35	23,460	(† $7.75 per week of 50 hours.)

Bulletins No. 1, p. 15; No. 2, p. 19; No. 4, p. 29; No. 5, p. 30; No. 6, p. 36; No. 6, p. 53; No. 8, p. 27; No. 9, p. 24; No. 10, p. 25. (Totals computed.)

*Report of the Massachusetts Minimum Wage Commission, 1915, p. 140 ff. See additional rates set by Commission for one year's apprenticeship.

First Biennial Report of the Minnesota Minimum Wage Commission, 1913-1914.

Weekly Wage Rates of Women Employed.
(Employers' Reports.)

Industries.	Per cent. of Workers Earning (Cumulative) Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over.	Total number investigated.	Official minimum wages based on minimum cost of living.*
First Class Cities:									
Manufacturing	0.4	2.7	11.7	26.2	40.9	53.8	46.2	8,377	$8.75
Mercantile:									
Wholesale	—	0.8	2.7	16.7	26.8	42.6	57.4	734	9.00
Retail	1.1	6.0	16.9	33.9	49.0	61.6	38.4	5,206	9.00
Total mercantile	1.0	5.4	15.2	31.8	46.3	59.3	40.7	5,940	9.00
†Total, all industries	0.6	3.7	13.1	28.5	43.1	56.1	43.9	14,317	—
Outside of cities of first class:									
Manufacturing	26.5	41.8	59.6	72.0	79.5	83.6	16.4	732	$8.25-8.00
Mercantile	13.0	23.9	39.2	52.5	65.7	75.0	25.0	476	8.50-8.00

Pages 14, 18. (Totals computed.)

* Minnesota Minimum Wage Commission, Orders No. 1, 2, 3, 4, 5, 6.
† Minor discrepancies between % and cumulative % column in printed table.

First Biennial Report of the Minnesota Minimum Wage Commission, 1913-1914.

Weekly Wage Rates of Women Employed. (Workers' reports.)

Cities.	Per Cent. of Workers Earning (Cumulative)							Total number investigated.
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over.	
Twin Cities	0.3	2.8	12.3	29.2	45.3	60.1	40.0	5,828
Duluth	1.8	11.1	19.1	29.6	43.6	54.1	46.0	621
Winona	1.1	23.7	32.3	51.7	71.1	82.9	17.1	93
Total	0.5	3.9	13.2	29.5	45.4	59.7	40.3	6,542

(Computed from p. 21.)

Report of the Missouri Senate Wage Commission, 1915.

Weekly Earnings of Women Employed in St. Louis.

Industries.	Per cent. of Workers Earning (Cumulative) Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over.	Total number investigated.
Men's clothing	—	27.86	—	50.60	—	73.64	27.09	1,569
Tobacco	—	20.00	—	56.26	—	78.52	21.48	1,415
Cotton	—	2.50	—	66.43	—	91.07	8.93	280
Drugs	—	16.69	—	68.84	—	90.46	9.54	629
Bakeries	—	19.02	—	45.90	—	76.26	23.74	573
Paper boxes	—	6.16	—	44.03	—	73.51	26.49	536
Candy	—	13.26	—	57.79	—	88.16	11.84	777
Total	—	18.57	—	54.52	—	79.51	20.49	5,779

Commission's official estimate of minimum cost of living, $8.53.

(Computed from pages 47 and 48.)

"The minimum cost of living for girls, according to the best estimates obtainable, is $8.53 per week in St. Louis, $8.50 per week in Kansas City, and probably $8. per week in the smaller cities of the State."

(Page 6.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV.

Industries.	Per cent. of Workers Earning (Cumulative) Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over.	Total number investigated.
Retail stores	7.5	17.8	28.8	43.1	56.5	67.5	32.5	31,517
Shirts	14.1	25.8	40.2	53.8	66.3	76.3	23.7	9,028
Paper boxes	9.7	22.18	39.6	55.5	66.7	77.8	22.2	7,389
Confectionery	13.7	31.3	54.8	70.5	80.8	88.	12.	5,396
Buttons	7.7	18.2	37.5	52.5	68.2	81.5	18.5	286
Millinery	12.6	20.2	29.	38.9	47.8	56.3	43.7	3,203
Total	9.68	21.08	34.53	48.72	61.20	71.61	28.39	56,819

(Pages 80, 195, 247, 317, 351, 384, 404.) (Totals computed.)

Commission's estimate of minimum cost of living, New York, $9, Buffalo, $8.20.

Report of the Industrial Commission of Ohio, No. 16, September 15, 1915.

Weekly Wage Rates of Women Employed.

Industries.	Per Cent. of Workers Earning (Cumulative)							Total number investigated.
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over.	
Bookkeepers, stenographers, etc.:								
18 years and over	1.1	2.9	7.0	14.5	24.1	35.2	64.8	24,442
Saleswomen:								
18 years of age and over	1.3	5.6	20.1	40.5	55.3	67.5	32.5	18,225
Other women workers:								
18 years of age and over	2.7	8.0	21.4	40.5	58.4	71.7	28.3	96,181
Total of foregoing:								
18 years of age and over	2.3	6.8	18.7	36.0	52.0	64.8	35.2	138,848
Mercantile establishments (1913):*								
18 years of age and over	3.5	10.3	21.4	36.8	51.9	63.9	36.1	14,635
Total	6.6	14.9	26.3	41.1	55.3	66.5	33.5	15,744

(Computed from pp. 16-17; pp. 22, 27, 150; p. 27; p. 27.)

*Data for 1913 from Report of Industrial Commission of Ohio, Department of Investigation and Statistics, Report No. 1, (1914), p. 9.

Report of the Social Survey Committee, Consumers' League of Oregon, 1913.

Weekly Earnings of Women Employed in Portland.

Industries.	Per cent. of Workers' Earnings (Cumulative)							Total number investigated.	Official minimum wages based on minimum cost of living.*
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over.		
Department stores	.09	2.49	9.12	24.17	31.14	47.06	52.94	2,078	9.25
Factories	1.40	7.2	20.8	33.9	48.1	60.1	39.9	427	8.64
Laundries	—	—	—	20.6	47.7	76.9	23.1	140	8.64
Stenographers	—	—	1.1	3.5	9.3	14.0	86.0	85	40.00 monthly
Other office employees	—	—	2.3	12.5	18.0	37.7	62.3	126	40.00 "
Printing	—	—	—	19.2	26.3	50.8	49.2	57	
Telephone operators	—	—	—	17.2	26.8	40.3	59.7	52	8.64
Hotels and restaurants	—	—	.46	4.2	5.6	14.5	85.5	213	8.64
Total	0.25	2.61	8.93	22.80	31.23	46.73	53.27	3,178	

(Pages 25, 31, 35, 37, 36, 40, 41, 43. Totals computed.)

* Industrial Welfare Commission, Orders Nos. 7, 9, 13, 17, 15, 19. See additional rates set by Commission for one year's apprenticeship.

Bulletin of the Pennsylvania Department of Labor and Industry, January, 1915.

Weekly Wage Rates of Women Employed in 5 Philadelphia Department Stores.

Occupations.	Per cent. of Workers Earning (Cumulative)							Total number investigated.
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over.	
Messengers	94.3	100.	100.	100.	100.	100.	0	288
Inspectors, wrappers and cashiers	7.1	38.5	52.2	63.9	87.2	97.4	2.6	929
Tube cashiers	—	—	—	51.1	78.8	89.0	11.0	137
Stock clerks	12.8	41.1	57.8	66.8	76.4	83.3	16.7	389
Saleswomen	—	0.3	1.7	8.7	27.5	55.8	44.2	3,925
Clerical workers	9.9	20.4	34.8	50.7	65.6	78.5	21.5	1,857
Total	7.4	16.5	23.4	33.6	50.9	70.6	29.4	7,525

(Computed from p. 59.)

Official estimate of minimum cost of living $8.53.*

(* Pages 95-96.)

Report of the Washington Industrial Welfare Commission, March, 1914.

Weekly Earnings of Women Employed.

Industries.	Per cent. of Workers Earning (Cumulative)							Total number investigated.	Official minimum wages based on minimum cost of living.*
	Under $4	Under $5	Under $6	Under $7	Under $8	Under $9	$9 and over.		
Retail stores†	1.	4.66	9.64	20.40	31.60	45.09	54.91	5,323	$10.00
Factories	—	3.9	10.8	23.7	38.3	61.7	38.3	1,753	8.90
Laundries	—	1.3	5.2	14.9	39.2	61.5	38.5	2,304	9.00
Telephone operators	—	—	—	—	—	—	—	—	9.00
Office workers	—	—	—	—	—	—	—	—	10.00

(Per cents. computed from pages 18, 21, 24, 30.)

* Industrial Welfare Commission, Orders Nos. 1, 3, 5, 7, 10. See additional rates set by Commission for Minors.
† 5 and 10c. stores included.

(2) Paying the Deficit. Underpaying Industries are Subsidized.

(a) The direct tax upon the state: the increase in public expenditures.

Wages are a legitimate charge on any industry like other fixed charges. An industry paying less than a living wage to its workers is receiving a subsidy from some source. The workers in such a trade are supported or assisted by public or private aid. Public aid entails increased public expenditures, such as charges for hospitals, charities or reformatory work. The repair of the physical or moral deterioration due to underpayment thus constitutes a direct public tax. The state pays the deficit; the underpaying industry, in effect, receives a subsidy to maintain its employees.

Conversely, when wages rise, the State benefits. Public expenditures decrease. Thus for instance, in Great Britain the reports of the local government boards for 1915 show a marked decline in expenditures for pauperism, owing to increased wages and greater regularity of employment. The President of the Local Government board for England and Wales states that after 10 months of war, the figures in regard to pauperism are "the lowest figures in the returns for a period of forty years".

Report of the Local Government Board for Scotland, 1915. Unwin, London, 1916.

Compared with 1914 there has been a decrease in the number of poor chargeable to Parish Councils. This decrease, which is confined to industrial areas, is due partly to a reduction in the number of applications for relief, and partly to the removal from the Roll of a number of poor who had become chargeable mainly on account of their inability to obtain employment. It is to

be noted that in rural districts pauperism remains practically unchanged. (Page x.)

The figures show a decline in pauperism. The causes of this decline may be variously accounted for. The great demand for labour, greater regularity of employment, and the comparatively high wages offered have enabled, and indeed induced, many of the vagrant and casual poor to take their places as wage-earners. Army enlistments, too, have not been without effect. Army allowances are now being paid in respect of the wives and children of soldiers in many cases where formerly the family income was supplemented from parish funds. (Page xi.)

Comparison between Number of Poor in 1915 and Previous Years.

Poor of all Classes.

The subjoined Table shows the number of poor, and their dependents, at 15th May, as returned to us for the past five years, and the ratio of persons in receipt of Parochial Relief per 1,000 of population:

Years.	Number of poor at 15th May.	Their dependents.	Total.	Estimated population.	Ratio of persons in receipt of parochial relief per 1000 of population.
1911	65,021	41,230	106,251	4,760,904	22
1912	66,389	41,109	107,498	4,735,322	23
1913	65,259	38,315	103,574	4,722,376	22
1914	65,956	38,168	104,124	4,747,167	22
1915	65,298	37,774	103,072	4,785,598	22

It will be observed that during the past year there has been a decrease of pauperism of 1,052.

The number of paupers has decreased by 658, and the number of dependents has decreased by 394. (Page xiii.)

It will also be seen from the chart that pauperism in 1914-15 was considerably less than the average for the five years 1909-10 to 1913-14 inclusive. (Page 4.)

Increase in Public Expenditures.—Great Britain

Proportion of Paupers Per 1,000 of Population.

	1914-15	1913-4	Average 1909-10 to 1913-14
April	17.0	17.4	20.0
May	16.8	17.0	19.5
June	16.7	16.8	19.3
July	16.6	16.4	19.0
August	17.4	16.5	19.0
September	17.2	16.6	19.1
October	17.0	16.7	19.3
November	17.1	17.0	19.7
December	17.1	17.1	19.8
January	17.1	17.5	18.6
February	17.1	17.5	18.5
March	16.8	17.4	18.5

(Page 5.)

The contraction of employment caused by the outbreak of war, proved to be less serious than might have been anticipated. The immediate reduction which followed the declaration of war was soon equalled by the number of workmen who joined the Naval and Military Forces; while the depression experienced in certain trades was counteracted by great activity in the industries engaged in fulfilling Government orders. Thus employment at the end of October had reached practically the same level as in the period before the war. . . . Employment in January showed a further improvement. (Page 67.)

As pointed out in the Board of Trade Report, the war has actually reduced the numbers unemployed in July by absorbing a proportion of them into industry, and while some trades have had to dismiss employees "the requirements of the Government have undergone so great an expansion that, when account is taken of the numbers joining the Forces, the labour market presents the appearance of a trade boom". (Page 68.)

Increase in Public Expenditures.—Great Britain

The Board of Trade Labour Gazette. August, 1916.

Statistical Tables. Changes in Rates of Wages and Hours of Labour. (Based on Returns from Employers and Workpeople).

The increases in rates of wages (including war bonuses) reported to the Department as taking effect in July affected about 340,000 workpeople, and resulted in a total increase of nearly £55,000 per week.

The industries which accounted for the largest numbers of workpeople affected were building (68,000), coal mining (55,000), transport (over 50,000 dock labourers, etc.), and engineering and ship repairing (40,000). Important changes were also arranged during July (antedated to take effect from 2nd June) affecting the dyeing and kindred trades.

Changes in January-July.—The total number of workpeople affected by the changes in wages which have been reported to the Department as taking place during the seven months ended 31st July, 1916, was nearly 2,360,000, of whom practically all have received a net increase. The net effect of all these changes was an increase of over £303,000 per week.

The extent to which the different groups of trades have contributed to these totals is shown below:

Groups of trades	No. of workpeople affected	Amount of net increase per week £
Building	154,000	23,300
Coal mining	852,000	138,500
Iron and other mining	21,000	5,500
Quarrying	6,000	1,100
Pig iron manufacture	24,000	5,500
Iron and steel manufacture	75,000	19,800
Engineering and shipbuilding	169,000	13,300
Other metal	59,000	10,800
Textile	675,000	49,000
Clothing	62,000	5,400
Transport	108,000	17,400
Printing, paper, etc.	22,000	2,000
Glass, brick, pottery, chemical, etc.	53,000	3,400
Other trades	38,000	4,600
Local authority services	38,000	3,900
Total	2,356,000	303,500

(Page 291.)

Pauperism in the United Kingdom. (Data Supplied by the Local Government Boards in England, Scotland and Ireland).

The number of paupers relieved on one day in July, 1916, in the 35 urban districts named below correspond to a rate of 151 per 10,000 a decrease of 2 per 10,000 on a month ago and of 18 per 10,000 on a year ago.

Compared with the previous month, the total number of paupers relieved decreased by 3,760 (or 1.3 per cent). The number of indoor paupers decreased by 1,330 (or 1.0 per cent.), and the number of outdoor paupers by 2,430 (or 1.6 per cent.). Every district—except Halifax and Huddersfield, Hull and Belfast which showed no change, and Aberdeen and Galway, where there was an increase of 1 and 3 per 10,000 of population respectively—showed a decrease. The largest decreases were in Bradford, Dublin and Cork districts (5 per 10,000 of population).

Compared with July, 1915, the total number of paupers decreased by 30,865 (or 10.0 per cent.). The number of indoor paupers decreased by 10,123 (or 7.1 per cent.), and the number of outdoor by 20,742 (or 12.4 per cent.). There was an increase of 3 per 10,000 of population in Galway district, but every other district showed a decrease; the largest decreases were in Stockton and Tees district (38) and Central Metropolitan district (31). Eleven districts showed a decrease of 20 and under 30 per 10,000, and 21 under 20 per 10,000. (Page 299.)

Increase in Public Expenditures.—Great Britain

Selected Urban Districts.	Paupers on one day in July, 1916. Indoor.	Outdoor.	Total.	Rate per 10,000 of estimated population.	Inc. (+) or Dec. (—) in rate per 10,000 of population as compared with a Month ago.	Year ago.
England and Wales—						
Total, Metropolis [Condensed]	55,760	23,759	79,519	176	—2	—20
West Ham	4,098	9,262	13,360	175	—3	—24
Other Districts—						
Newcastle District	2,042	3,491	5,533	114	—1	—22
Stockton and Tees District	1,015	2,803	3,818	151	—2	—38
Bolton, Oldham, etc.	3,639	3,001	6,640	82	—1	—14
Wigan District	1,756	4,447	6,203	141	—1	—13
Manchester District	8,338	5,250	13,588	132	—1	—18
Liverpool District	9,231	10,226	19,457	171	—3	—17
Bradford District	1,833	1,409	3,242	87	—5	—12
Halifax and Huddersfield	1,074	2,203	3,277	85	—	—11
Leeds District	2,203	2,669	4,872	101	—2	—16
Barnsley District	767	2,770	3,537	114	—2	—11
Sheffield District	2,584	2,951	5,535	112	—2	—19
Hull District	1,673	4,917	6,590	280	—	—16
North Staffordshire	1,837	4,265	6,102	150	—4	—22
Nottingham District	1,799	3,638	5,437	117	—1	—13
Leicester District	1,274	2,304	3,578	152	—3	—24
Wolverhampton District	3,221	5,594	8,815	127	—2	—22
Birmingham District	6,120	3,653	9,773	115	—1	—23
Bristol District	2,567	3,393	5,960	152	—2	—15
Cardiff and Swansea	2,168	5,003	7,171	160	—1	—22
Total "Other Districts"	55,141	73,987	129,128	129	—2	—18
Scotland [Condensed]—						
Total Scottish Districts	6,220	29,831	36,051	178	—2	—15
Ireland [Condensed]—						
Total Irish Districts	11,171	9,721	20,892	186	—3	— 9
Total for the above 35 Districts in July, 1916	132,390	146,560	278,950	151	—2	—18

(Page 299.)

Problems of Living in War Time and After. R. Saunderson. *Charity Organization Review, London, February, 1916.*

To us, who are interested in social conditions, the most striking change brought about by the war has been the almost complete disappearance of unemployment and the distress caused by it among the industrial classes. There is a bitter irony in the reflection that a problem which has baffled statesmen and philanthropists for so many years should have been solved, at any rate for the moment, by so tragical a means.

Evidence of the unprecedented prosperity which the war has brought to the poorer classes is hardly needed, but it may be interesting to have the statistics that are forthcoming from official sources.

(1) The Local Government Board Returns show that at the end of October, 1915, the number of paupers in England and Wales was 562,494 as compared with 616,528 in 1913, and the rate of pauperism was 15.2 per 1,000 inhabitants. This is the lowest actual number and the lowest rate since 1875, when the Return was first issued. The able-bodied pauper has ceased to be.

(2) The number of Distress Committees (Unemployed Workmen Act) whose registers were open at the end of November, 1915, was seventeen, as compared with eighty-two last year. The total number of persons who received unemployment relief during November was fifty-one, as compared with 8,000 a year ago.

(3) The number of necessitous children receiving school meals in London in the last week of November, 1915, was 14,371 out of some 700,000 on the rolls. In normal times the number would be over 40,000. . . .

With regard to wages in the principal industries, it appears that during the eleven months ended November 30, 1915, the total number of workpeople whose rates of wages were reported to have changed was over 2,930,000 and the net effect of the changes was an increase of over £564,000 per week. It should be noted that "these amounts are exclusive of increased earnings due to overtime and also of changes affecting agricultural labour-

ers, seamen, railway servants, police, and Government employees. It is known, however, that the majority of workpeople in each of these occupations have received increases or war bonuses." (Pages 83-84.)

Annual Report for 1915 of the Chief Medical Officer of the Board of Education [*England and Wales*]. *London, 1916.*

The increase in the activities of Local Education Authorities under the Education (Provision of Meals) Acts 1906 and 1914, which took place during the autumn of 1914, consequent on the outbreak of war, subsided rapidly in the early months of 1915. At one time during the period no fewer than 195,000 children in Public Elementary Schools were in receipt of daily free meals. In December, 1914, this number began to decline, and according to the latest available figures, those in respect of the week ending July 22, 1916, the number of children receiving free meals was 22,615. The cause of the rapid decline in the number of children fed was due to the payment of the separation allowances and to the current high wages. The following table summarizes the chief facts in connection with this service for the years ending 31st March, 1914, 1915 and 1916:

Year	No. of children fed	No. of meals Supplied	Average number of meals supplied per child fed	Average total cost per meal	Average cost per meal for food only	Expenditure of L. E. As.			No. of L. E. As. which recd. Grant	Amount of Grant		
				d	d	£	s	d		£	s	d
1913–14	156,531	14,525,593	93	2.43	1.16	143,857	6	3	97	71,383	1	11
1914–15	422,401	29,560,316	70	2.47	1.51	298,237	11	4	136	148,753	19	7
1915–16	117,863	9,914,095	84	4.13	2.29	159,916	7	9		(Grants in process of payment)		

(Pages 87-88.)

Hansard's Parliamentary Debates. N. S. Vol. 72, 1915.

Mr. Walter Long, President of the Local Government Board:

It is a remarkable fact that today, after ten months of War, and when this country has been called upon to make enormous sacrifices, that the general condition of the country in regard both to unemployment and to poverty is better than it has been for forty years. I was looking today at the figures for England and Wales and for the Metropolis in regard to pauperism, and it is a remarkable fact, for which I think we have great reason to congratulate ourselves, that the figures in regard to England and Wales are 16 per 1,000 and for London 20.3 which are the lowest figures in the returns for a period of forty years. As regards unemployment, it is not necessary to quote figures, because the facts speak for themselves far more eloquently than any figures can do. Everybody who has made even the most cursory examination of the question of labour and unemployment knows that the country is not at present in a condition of unemployment, but that the difficulty is to find adequate labour for the work there is to be done. (Page 1360.)

. . . Therefore, we may congratulate ourselves, not only as a Department and as the House of Commons, but as a country as a whole, that the record is as good and as wonderful as it is revealed by the figures in regard to pauperism which I have quoted and the facts known to everybody in regard to unemployment and to labour generally. (Page 1361.)

Work and Wealth: A Human Valuation. J. A. Hobson. *Macmillan, New York, 1914.*

It would obviously be bad public economy to break down the lives and homes of public employees by underpaying or overworking them, or by dismissing and leaving them to starve when work was slack. For what was saved in the wage-bill of the particular department,

would be squandered in poor-law, police, hospitals, old-age pensions, invalidity and employment relief. Nor is that all. A mass of ill-paid ill-housed workers, alternately overworked and out of work, stands as a chief barrier in every one of those paths of social progress and national development which modern statecraft sets itself to follow. The low wage of unskilled labour is today a source of infinite waste of the forces of national education. Still keeping our argument upon the narrowest lines of economy, we plainly realize that the financial resources, upon which the State can draw for all her services, depend in the last resort upon the general economic efficiency of the working population, and that a system of public employment which was, however indirectly, detrimental to this health, longevity and intelligence, would rank as bad business from the public standpoint. (Pages 194-195.)

Fourth Report of the New York Factory Investigating Commission, 1915. Vol. I. Report of Commission.

The arguments in support of wage legislation may be summarized as follows:

The conditions which exist to-day in the so-called sweated industries are such that if they are continued, there will be an ever increasing number of dependent classes for which increased appropriations must be made by the State, the ultimate cost of which would fall upon the consumer in the form of taxes. "Our dangers with the dependent classes which we are producing, by just such conditions as the Minimum Wage Law is endeavoring to remedy, will become so great that society cannot bear it. We cannot by any process of public or private charity carry the load we are creating under our industrial conditions. We will pay the price at compound interest, not only compound interest, but with compound interest at usurers' rates." But if the welfare of the State required it, might it not be best for the consumer to pay in a small increase of cost instead of an increase of taxation to repair human waste? (Page 45.)

"Any woman or child can handle this machine," is an advertisement frequently seen; and followed to its logical conclusion it would mean child labor displacing man and woman labor. This the State has guarded against through its child labor laws. It must guard against low wages in the same way, for it pays the penalty in the loss of a well balanced manhood and womanhood due to the disintegrating effects of these low wages. Hospitals, reformatories, asylums and prisons paid and cared for by the State, are inevitable results of low wages, and long periods of idleness. (Page 49.)

Ibid. Vol. I. Appendix III. Minimum Wage Symposium.

Statement of E. W. Kemmerer, Professor of Economics and Finance, Princeton University.

The manufacturer conserves his machines because they belong to him and when they are worn out he must buy new ones, and he sets aside a part of his profits every year to cover their depreciation, so that when the old ones are worn out funds are at hand for new ones. The case of purchasing labor on the other hand is like renting a machine without financial responsibility for the condition in which it is returned. The employer in sweated industries for example has little selfish motive in maintaining the future efficiency of his "human machines" since they do not belong to him, and when they have been exploited to the limit they can be thrcwn upon the scrap heap and be replaced by others. Society, however, must meet the "depreciation charges" in the form of charities and institutions for the care of defectives and criminals. The social expense of such exploitation is often a continuing one, since the victims are not only those who have been themselves exploited but often also their children. (Pages 614-616.)

Statement of John A. Kingsbury, Commissioner of Charities, New York City.

I want to go on record as one strongly in favor of minimum wage legislation. It has been in force in Washington, Oregon, Minnesota and Massachusetts, long

enough to show that the machinery is workable in this country, though the Commissions are too recent to have produced conspicuous results. The point is that the method works.

We have, from year to year, steadily increasing numbers of dependent persons in my department, not suddenly this year more than last, but steadily increasing every year.

Much of this dependence is unquestionably due to underpay, particularly of women and girls. The consequences of underpay are so obvious as hardly to need enumerating, such as underfeeding, comfortless, unwholesome dwelling accommodations, insufficient clothing. Pneumonia running into tuberculosis has been a wholesale incident of winter and spring among wage earners ever since Colonel Waring pointed it out years ago.

The burden of all the consequences of underpay finally gets upon the city. We have the hospitals to maintain including the tuberculosis sanatoria and clinics, and the wards for the insane and the melancholy, besides all these patients in the general wards, the primary cause of whose presence in the hospitals is debility. No one disputes that poverty is a continuing predisposing cause of all this chronic and acute illness. What we need to do is to try to stop all that part of it which is due to underpay.

The Children's Bureau of this department carries another heavy burden which should be placed upon the parents. At the present time we know in a general way that many of the parents are themselves victims of underpay. A minimum wage commission should in a few years relieve the Bureau of a considerable part of its work by leveling up the lowest grades of earnings.

The dependent prematurely aged now supported by the city are certainly in some measure traceable to precarious underpaid employment. It behooves us to apply without delay a method which other countries, and several of our own States, are already finding useful for diminishing the extent of suffering of this kind, and the financial burdens it entails upon public and private charity.

Why should not our industries pay for themselves? Why should they be allowed to go on longer creating these burdens?

I hope the record of the Factory Investigating Commission's accomplishments may be crowned by the creation, in 1915, of a Minimum Wage Commission. New York City's Department of Charities needs such reinforcement and relief. (Pages 709-711.)

Statement of D. J. McMahon, Supervisor of Catholic Charities, New York City.

A gratifying advance has been made towards the realization of human standards in recent years and we are drawing away gradually from forming that sodden mass of deep-set poverty existing, as has been pictured to us in parts of London and toward which we were surely approaching owing to the want of exercise in full justice.

The laws which related to child labor, safety and sanitation, to shorter work hours for men and women, to remove the dangers in the poisonous trades, and to the highly prized workmen's compensation, have won plaudits from all classes and we trust the day will not be long distant when that great prize of minimum wage shall be established and thus place upon the shoulders of justice what charity has had so long to bear. . . .

The extent of the evils to which the absence of the minimum wage reaches is a wide area to be measured only by your efforts. In its intensity there is a wholesale poverty, sickness, inefficiency, despondency, crime open and private, degradation and constant revolting against authority even to the growth of anarchy and rebellion. . . .

It has been established that there is a lack of standards for the regulation of wages and a consequent reduction for the profit of the master without much regard to the fact that tuberculosis and other diseases incident to the poorly nourished worker are rife among these workers who are seeking help from hospitals, and charitable care. (Pages 718-719.)

Statement of Gaylord S. White, Headworker, Union Settlement, New York City.

As a result of my experience as a resident for many years in a tenement section of this city, I believe that the present conditions in industry demand further legislative regulation in the direction of establishing in certain industries, at least for women and minors, a minimum wage. If I am correct in my estimate of the situation a measure of this kind is needed both for the protection of the individual workers and also for the protection of society. It cannot be denied that wages insufficient for the maintenance of even an approximately satisfactory standard of living are received in the case of many thousands of workers. . . . Any settlement worker of experience can number among his neighbors many persons who are forced to eke out an existence on insufficient earnings. It is the human aspect of the problem that is brought home most forcibly to us.

Has any industry a right to thrive at the expense of its workers? Will not society be obliged to face squarely the question of the wisdom of allowing an industry to flourish while it pays starvation wages, which fact, translated into human terms, means that men and women and children are underfed, insufficiently clothed, improperly housed, denied opportunities of spiritual development and destined to become dependent upon private or public charity, as they fill our hospitals and asylums? If minimum wage legislation forces us to look such facts as these fairly in the face and devise constructive measures of social insurance it will be well worth while. Such questions can no longer be ignored. They must be dealt with on broad and constructive lines. (Pages 738-740.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. V. Public Hearing.

Miss Nelle Swartz, Executive Secretary, Consumers' League of New York City:

. . . In some testimony which was given on Thursday it was stated that if the minimum wage is estab-

lished the cost of the increased wage would naturally come back upon the public or on the consumer, and the point which I wish to emphasize this morning is, that the public is paying for this now, paying for it through the wide variety of charity which this city offers. Any industry which is not paying to its workers a living wage is placing an undue burden upon charity, and is in addition a parasite upon the community. To illustrate my point I wish to quote from the New York *Times* of December 13th where a description of 100 needy families of New York City is given. These families were selected for the New York *Times* by the Association for the Improvement of the Condition of the Poor, Charity Organization Society and State Charity Association, three of the largest relief societies of New York City. Out of these 100 cases, as I said, in the New York *Times*, in 70 of them women are the wage earners in the family. I just wish to quote several of these cases to give you an idea. In one case where the father is ill the mother has one small child dependent upon her. The woman is working in a factory earning $4 a week. The church helps with a weekly allowance of $4.50 a week. The Charity Organization Society appeals for $50 to supplement the woman's earnings. There is still another, the father is dead. There is a woman and two small children. She works in a tie factory earning 80 cents a day and the State Charities Aid Association appeals for help. In still another case the only support of the family is a young girl who is working in a New York City department store earning $4 a week as a cash girl. The Charity Society Organization appeals and asks the public to supplement her earnings to the extent of $15 a month. And in still another, the father has heart disease. He is in a public sanitarium and four of the five children have been placed in public institutions. The mother is supporting a fifth child, but her meagre earnings can only pay for food for herself and baby, and the State Charities Aid Association asks the public to supply her with clothing. I have just given a few of these. There are many more of them I might cite.

Are we not therefore creating these conditions which we are called upon later to alleviate. . . . (Pages 2846-7.)

Report of Massachusetts Commission on Minimum Wage Boards, 1912. House Document No. 1697.

Wherever the wages of such a woman are less than the cost of living and the reasonable provision for maintaining the worker in health, the industry employing her is in receipt of the working energy of a human being at less than its cost, and to that extent is parasitic. The balance must be made up in some way. It is generally paid by the industry employing the father. It is sometimes paid in part by future inefficiency of the worker herself and by her children, and perhaps in part ultimately by charity and the State. The commission believes that our industries in general are not dependent upon such underpaid labor and that by gradual adjustment of wage scales the present unfortunate condition in a number of employments could be improved without injury to the employing interests. If an industry is permanently dependent for its existence on underpaid labor, its value to the Commonwealth is questionable. (Page 17.)

Through the co-operation of several of the charitable agencies of Boston, facts were obtained concerning the average weekly earnings of all women workers, exclusive of those in restaurants and at domestic service and cleaning by the day, who were members of families which were being assisted on September 1, 1911.

Of these 468 recipients of charitable assistance one-half worked for a wage of less than $6 a week. Only 13.7 per cent. had $8 or more. On these wages charity was necessary. They are very little less than the earnings of the laundry hands and more than those of the candy-workers. It may be judged that when wages are so low the question as to whether a family may be spared from seeking charity depends on other circumstances. The healthy family, with a fair proportion of wage-earners

to persons to be supported, and whose wage-earners have steady work, may get on without help; so may the family that has one well-paid member to subsidize the others. Again, families may be privately assisted by generous friends, neighbors and relatives who are somewhat better off; others may eke out by vice. But however it is done, such wages are supplemented by society to the extent of the cost of living of the wage-earners and their families minus what is skimped out of their health and strength and energy. (Page 236.)

A Minimum Wage for Workers. H. La Rue Brown, *Chairman of Massachusetts Minimum Wage Commission. City Club Bulletin of Philadelphia, January 27, 1913.*

The law of the conservation of energy, of human energy, if you like, is as true in social dynamics as it is anywhere else. That difference between what the girl gets and what she must spend is going to come from somewhere. Where is it going to come from?

. . . We found that in Massachusetts we were paying over five million dollars ($5,000,000) a year for dependents and delinquents in public institutions, and that takes no account whatever of the millions that are spent in private charities. That is where the business side of a decent wage begins to come into play, because that five million dollars ($5,000,000) and the other millions spent in private charities come from taxes, from the pockets of you and me. There is no use in arguing about it; it is not sentimentalism at all. There is the money spent, and it is our money, and that is the beginning of the business side. (Pages 199-200.)

The Wage-Earner and His Problem. John Mitchell. *P. S. Ridsdale, Washington, D. C., 1913.*

Can any special reasons be offered by government for interfering in the rates of wages? To this, the reply may in part be arrived at by contemplating the effects

upon the state (society organized for the purposes of government) in the case of wages insufficient to maintain wage-earners independently of public assistance. Surely, if society is continuously to be called in to piece out the cost of the maintenance of a class of its members, it has a just and serious concern in all the conditions of the labor of that class. It might be better—at times assuredly would be better—to support entirely non-self-sustaining persons rather than to permit them, through their unpaid labor, at once to semi-pauperize themselves and to put in jeopardy, through their destructive competition, the wage-rates and, consequently, the well-being of their fellow-workers in general, who usually obtain a higher scale. Here, regarding its special wards, the state, mindful above all of a defense of its own future, might prescribe extraordinary protective measures. (Page 99.)

Massachusetts Minimum Wage Commission. Bulletin No. 3. August, 1914. Statement and Decree Concerning the Wages of Women in the Brush Industry in Massachusetts. Appendix No. 1. Extract from the Report of the Brush Makers' Wage Board to the Minimum Wage Commission, March 17, 1914.

Section III. Subsidies to Industry.

If an industry cannot pay for the human endeavor it uses, it is time to ask the effect of such an industry upon public welfare. Who, if anybody, is paying the sum it does not pay toward making up the amount needed to prevent bodily and mental deterioration? The difference between what is necessary and what the industry pays can come only from one of four sources:*

(*a*) Direct charity.

(*b*) A direct subsidy to the worker through state aid. . . . (Page 21.)

* See also p. 421.

Industrial Democracy. SIDNEY AND BEATRICE WEBB. *Vol. II. Longmans, Green and Co., London, 1897.*

If the community choose to give to all the employers in a particular industry an annual bounty out of the taxes, or if it grants to all the operatives in that industry a weekly subsidy from the Poor Rate in aid of their wages, it is obvious that this special privilege will, other things being equal, cause the favored industry to outstrip its rivals. The subsidy or bounty will enable the endowed manufacturers to bribe the public to consume their article, by ceding to them what they have not paid for. An analogous advantage can be gained by the employers in a particular trade if they are able to obtain the use of labor not included in their wage-bill. Under the competitive pressure described in our chapter on "The Higgling of the Market" some of the unregulated trades become, in fact, parasitic. This occurs in practice in two distinct ways.

We have first the case of labor partially subsidized from the incomes of persons unconnected with the industry in question. When an employer, without imparting any adequate instruction in a skilled craft, gets his work done by boys or girls who live with their parents and work practically for pocket-money, he is clearly receiving a subsidy or bounty which gives his process an economic advantage over those worked by fully paid labor. . . . The employer of adult women is in the same case where, as is usual, he pays them a wage insufficient to keep them in full efficiency, irrespective of what they receive from their parents, husbands, or lovers. In all these instances the efficiency of the services rendered by the young persons or women is being kept up out of the earnings of some other class. These trades are therefore as clearly receiving a subsidy as if the workers in them were being given a "rate in aid or wages." The employer of partially subsidised woman or child labor gains. . . . actually a double advantage over the self-supporting trades: he gets without cost to himself the extra energy due to the extra food, and he abstracts—possibly from the workers at a rival process, or in a competing industry

—some of the income which might have increased the energy put into the other trade. (Pages 750-752.)

. . . To maintain our industrial invalids, even in idleness, from public funds, involves a definite and known burden on the community. To allow them to remain at large, in parasitic competition with those who are whole, is to contaminate the labor market, and means a disastrous lowering of the Standard of Life and Standard of Conduct, not for them alone, but for the entire wage-earning class.*

Thus, in our opinion, the adoption of the Policy of a National Minimum of education, sanitation, leisure, and wages would in no way increase the amount of maintenance which has to be provided by the community in one form or another, for persons incapable of producing their own keep. It would, on the contrary, tend steadily to reduce it, both by diminishing the number of weaklings or degenerates annually produced, and by definitely marking out such as exist, so that they could be isolated and properly treated. (Pages 787-789.)

Sweated Industry and the Minimum Wage. Clementina Black. *Duckworth & Co., London, 1907.*

. . . The underpaid worker who fails to be wholly supported by the proceeds of his own labor is inevitably supported in part out of the pocket of some other person or persons. Moreover, both the health and the work of the underpaid worker presently deteriorates. He contributes less than he might and ought to the general wealth, and, by and by, when his health fails sufficiently, he becomes a charge upon the public. (Page 170.)

"A trade which can only live by means of inadequate

* If the wages of every class of labor, under perfect competition, tend to be no more than the net produce due to the additional labor of the marginal laborer of that class, who is on the verge of not being employed at all, the abstraction of the paupers, not necessarily from productive labor for themselves, but from the competitive labor market, by raising the capacity of the marginal wage-laborer, would seem to increase the wages of the entire laboring class. Sidney and Beatrice Webb, Industrial Democracy, Trades Unionists' Edition, p. 749.

wages and cheap, squalid, unhealthy buildings is doomed." Such a trade, while it still endures, is not really a source of national profit. The workers whose lives it drains, not being supported by the price for their labor, must come eventually to be partly or wholly supported by other people. They are, in fact, a national burden, whether the charge is nominally borne by the State, or by private citizens. Poverty, dirt and disease are very costly to the country in which they prevail; and they are inevitable results of under-payment. (Pages 266-67.)

Sweating. Edward Cadbury *and* George Shann. *Headley Bros., London, 1907.*

Large sums of money are spent yearly in charity and Poor Law relief, out of which these underpaid workers are subsidized. This is a fact known to all who have reflected on the matter at all and who have the slightest acquaintance with the life of the very poor. For example, Miss Irwin reports that "the returns of the inspectors of the poor show that many outworkers, who are in receipt of wages too small to support them though working full time, are helped from the rates. Moreover, although to an extent which it is impossible to ascertain, many of the outworkers on low wages are assisted by the churches and by charities. Here evidently part of the wages is paid by outsiders, and in such cases it has generally been recognized that there is no natural economic limit to the possible reduction of wages except the resources of the Poor Law authorities and the charitable. The cheapness of goods made in such circumstances is balanced by the increase in Poor Rates and in the demands on the benevolent." (Pages 58-59.)

Charity and poor-relief that is given to this class has little, if any, permanently good effect. It merely helps to perpetuate the evil conditions, and becomes a rate in aid of inadequate wages. The effect of charity is almost always demoralizing. When once it has been accepted the tendency is for the recipient to depend on it in the future. This is a great danger at the present time, and reformers realize that something more radical than charity is

needed; that soup-kitchens and even doles by municipalities in the shape of rate-aided work, are not sufficient. We must start at the other end and recognize that any trade that does not pay a living wage to its workers is a parasite on the community. The employer in such a trade obtains labor for which he does not pay in his wages bill, and so is enabled to compete unfairly with those trades in which better conditions prevail. He deteriorates the health, vigour, intelligence and character of his employees, and in so doing his trade is a parasite on the present and future of the nation. . . . (Pages 64-65.)

There is also direct competition in another way between low-paid and better-paid industries. A sweated trade is analogous to a bounty-fed industry, and therefore persists when, under free competition, it would have to give way. When a trade is built up by means of bounties paid by the Government, it is clear that, other things being equal, if the bounty were withdrawn some at least of the firms engaged in the trade would be unable to successfully carry on their business. But it is agreed by economists that such bounties do not increase the total amount of the trade of the country, for the money paid in bounties is withdrawn from other trades, which presumably work under more economic conditions. Any decline in the bounty-fed trade due to a withdrawal of the bounties must tend to a redistribution of capital in favor of the trades which are not subsidized.

And so it is in regard to sweated trades and their competition with other trades in which fair conditions prevail. The subsidized sweated trade has a distinct advantage in the market, and undoubtedly affects to their disadvantage those trades which work under conditions and restrictions imposed by trade unions and legislation. (Pages 88-89.)

Report of Conference on a Minimum Wage. National Anti-Sweating League. London, 1907.

It is obvious that the competition of the sweated branches of trades with those which are organized, and demand a standard rate, is disastrous. The existence of

this mass of labor on which employers can fall back for the purpose of introducing competitors in a trade struggle is serious enough, but at all times the fact that the cheapest labor is in many instances doing practically the same work as the better paid and regulated is a constant menace to "wages". The direct effect of this competition in affected trades is the most obvious, but it must not be forgotten that its effect on the whole trade of a country is, though less obvious, quite as serious. The position occupied by the lowest strata of labor must affect the whole, and the fact that there are thousands of persons unable to obtain a remuneration sufficient for more than bare existence affects also the position of the most highly organized and skilled trades, such as the textile operatives, the miners, or the engineers.

From the chaotic mass springs evil in every form—hospitals and workhouses are recruited by the under-fed, overworked men and women; instances are given in H. M. Chief Inspector's report for 1895 of the deterioration in health of girl workers rendered unemployable by overwork; stunted, untrained children are turned into the labor market, and the overwork of women and the competition of children meets with its necessary corollary in the great army of the unemployed. (Pages 35-36.)

British Sessional Papers. Vol. VIII. 1908. Report from the Select Committee on Home Work.

. . . If "sweating" is understood to mean that work is paid for at a rate which, in the conditions under which many of the workers do it, yields to them an income which is quite insufficient to enable an adult person to obtain anything like proper food, clothing and house accommodation, there is no doubt that sweating does prevail extensively. . . .

The consequence is that, when those earnings are their sole source of income, the conditions under which they live are often not only crowded and unsanitary, but altogether pitiable and distressing, and we have evidence that many are compelled to have recourses to poor-law or charitable "relief". (Page III.)

Is there any prospect that these people, with the aid of such voluntary and philanthropic assistance and co-operation as is, or would be, available, will materially improve their own condition, and, to any appreciable extent, extricate themselves from the quagmire of endless toil and almost ceaseless misery in which some of them are involved? On the other hand, can legislation help them? Your committee are of the opinion that unless Parliament steps in and gives them the protection and support which legislation alone can supply, the prospects of any real and substantial improvement in their position and condition being brought about are very small and remote. We are further of the opinion that carefully considered legislation would aid them materially; and, that being so, we cannot doubt that it is desirable that an attempt should be made, and an experiment be tried. (Page XIII.)

If a trade will not yield such an income to average industrious workers engaged in it, it is a parasite industry, and it is contrary to the general well-being that it should continue. Experience, however, teaches that the usual result of legislation of the nature referred to is not to kill the industry, but to reform it. (Page XIV.)

The Prevention of Destitution. Sidney *and* Beatrice Webb. *Longmans, Green & Co., London, 1911.*

The Poor Law relief of the destitution caused by sweating acted as a sort of "bounty" to those trades and those employers not paying full subsistence wages, and led to a constant extension of the system. What was happening was an ousting of the self-supporting by the parasitic industries. "Whole branches of manufacture," eloquently summed up the Poor Law Commissioners of 1834, "may thus follow the course, not of coal mines, or of streams, but of pauperism; may flourish like the fungi that spring from corruption, in consequence of the abuses which are ruining all the other interests of the places in which they are established, and cease to exist in the better administered districts, in consequence of that better administration." (Page 90, 22nd annual report of the Poor Law Board, 1869-70.)

"One of the most recognized principles in our Poor Law is, that relief should be given only to the actually destitute, and not in aid of wages. In the case of widows with families where it is often manifestly impossible that the earnings of the woman can support the family, the rule is frequently departed from, but, as a general principle, it lies at the root of the present system of relief. In innumerable cases its application appears to be harsh for the moment, and it might also be held to be an aggravation of an existing difficulty to insist that, so long as a person is in employment, and wages are earned, though such wages may be insufficient, the Poor Law authorities ought to hold aloof and refuse to supplement the receipts of the family, actually offering in preference to take upon themselves the entire cost of their maintenance. Still it is certain that no system could be more dangerous, both to the working classes and to the ratepayers, than to supplement insufficiency of wages by the expenditure of public money." (Page 262.)

National Conference on the Prevention of Destitution. London, 1912. Section, Unemployment and Industrial Regulation. Discussion.

Mr. Walter T. Layton:

In his experience as a guardian of the poor, he was constantly meeting with revelations of low wages paid to women—widows and deserted wives, who had to support families, and they had in many cases to subsidize these women. He remembered on one occasion at a relief committee meeting, a local Government Board inspector was present, and when they granted relief to a woman who earned about 10s a week and had several children to support the inspector told the committee that they were subsidizing low wages. (Page 39.)

Wages. A. J. Carlyle, *D. litt. A. R. Mowbray & Co., London, 1912.*

. . . Owing to the complexity of the economic situation, the employer may pay a wage which is inadequate

to the maintenance of the laborer, because the laborer is maintained from other sources. The evidence given to the select committee of the House of Commons on Home Work in 1908 made it clear that many women in the sweated trades were not living upon their earnings. We may ask, how can this be? In the first place, if we examine the industries of women we shall discover that in a great many places the women who are employed in these sweated trades are living with their families, so that the wages which they are getting are of the nature of a supplement to a family wage. But in many other cases the woman is dependent on her wages. What does actually then happen? Women in such cases are constantly receiving from the public at large, in one way or another, an immense amount of assistance of various kinds. In some cases the evidence given to the House of Commons Committee, to which we have already referred, showed that women of this kind were actually being partially maintained by the Poor Law. But no doubt the more normal result of sweated wages is this, that even if the worker does just manage to live at ordinary times on these wages, when anything happens, if the woman is ill, or work is slack, she is immediately thrown on the public, is dependent on the public, and is maintained by the public by means of the Poor Law or of charity.

Wages which are inadequate to the maintenance of the laborer are constantly supplemented in one way or another by the community. We can therefore see that the stupidity of the sweating employer does not actually represent the only reason why he pays these inadequate wages. The action of the employer arises also from this fact, that he is able to get wages paid by other people, that a considerable part of the maintenance of a sweated laborer comes out of the pockets of the community as a whole, either through the laborer's family, or from the public by way of Poor Law relief, or by way of charitable assistance. A considerable amount of the burden of maintaining the laborer can be, and actually is, without any deliberate intention on the employer's part, thrown on to the community. (Pages 87-88.)

The Economic Theory of a Legal Minimum Wage. SIDNEY WEBB. *The Journal of Political Economy, University of Chicago Press, December, 1912.*

When an employer, without imparting any adequate instruction in a skilled craft, gets his work done by boys and girls who live with their parents and work practically for pocket money, he is clearly receiving a subsidy or bounty, which gives his process an economic advantage over those worked by fully paid labor. . . .

The employer of adult women is in the same case, where, as is usual, he pays them a wage insufficient to keep them in full efficiency, irrespective of what they receive from their parents, husbands, or lovers. In all these instances the efficiency of the services rendered by the young persons or women is being kept up out of the earnings of some other class. These trades are therefore as clearly receiving a subsidy as if the workers in them were being given a "rate in aid of wages". The employer of partially subsidized woman or child labor gains actually a double advantage over the self-supporting trades; he gets, without cost to himself, the extra energy due to the extra food for which his wages do not pay, and he abstracts—possibly from the workers at a rival process, or in a competing industry—some of the income which might have increased the energy put into the other trade. (Page 15.)

Hansard's Parliamentary Debates. Vol. 34. 1912.

Mr. J. R. Clynes, Member for Manchester:

The welfare of the people must be secured by process of government in establishing a just and adequate wage, seeing that this cannot be secured by private bargaining. (Pages 56-57.)

Poverty is the most costly thing that any community could permit. It does not pay a country to keep the people poor. Any general impoverishment of large masses of the people is bound to cause other forms of danger, and compels you to pay a much larger doctor's bill and police bill and asylum bill and workhouse bill than other-

wise would have to be paid. So that low wages are the first cause of slums. Give your workmen money wherewith to live in a better home, and they will naturally desire to have a better home. It is no answer to say that if workmen get more they will spend it upon vice, gambling, and drink, for the fact is that it is the better-paid classes of our population who spend least in this way, and most of those who reproach them have less cause to level the finger of scorn at them for any vices of that kind. (Pages 60-61.)

Hansard's Parliamentary Debates. Vol. 51. 1913.

Mr. Geo. N. Barnes, Member for Blackfriars, Glasgow:

I submit that low-priced labour benefits nobody. It is quite obvious it does not benefit the poor workman, whose life is a round of daily drudgery, unrelieved by recreation or holiday or food for the mind, and who very often cannot get enough food for the body. But it is clear, if one thinks of it, that low wages do not even benefit the employer. There is no stimulus to inventiveness under such circumstances. (Page 1923.)

If neither the employer nor the employed benefit from cheap labour the community benefits least of all. Poverty does not pay; it imposes a burden upon the community. Take the point of view of consumption. We are told that 70,000 people die every year from consumption, and the great bulk of them die between the ages of thirty-five and fifty, which ought to be the most productive period of their lives.

The Right Hon. Gentleman the President of the Local Government Board the other day stated that pauperism in this country was caused to the extent of 40 per cent. by widowhood and orphanhood. Consumption is a poverty disease, and consumption is largely responsible for this widowhood and orphanhood. But without going to the consumptives or the chronically diseased, let us take the average labourer. He has no margin for sickness; he gets sick a great deal more than the average man, and immediately that he gets sick he becomes a burden upon

somebody or other, it may be upon his family or his friends, but to the extent that he is a burden he is taking something from the community. When he gets out of work exactly the same thing takes place. Old age comes on, and with diminished strength and health undermined, the workhouse is his only refuge, and in all these phases of the underpaid workman's life the man or his family is a burden upon the community. (Page 1924.)

The Living Wage. PHILIP SNOWDEN, M. P. *Hodder & Stoughton, London, 1913.*

The expense of maintaining these people, and the loss of their usefulness and wealth-producing power can only be vaguely imagined, but it is many millions of the very many millions which low wages cost the community every year.

The fifteen millions a year which is spent upon the maintenance of paupers represents only a part of the sum which is drained for the support of the victims of low wages. The maintenance of hospitals and private charitable institutions for the relief of the poor is said to cost as much as the expenditure through the Poor Law. Private help is extensively and generously given to assist distress, and this is only a subsidy of low wages. (Pages 53-54.)

The community does not gain by keeping any section of its people on low wages. There is a social economy in good living conditions, as there is an industrial economy in good industrial conditions.

By good wages, and by an education which will teach people to spend their wages wisely and well, every problem which is troubling social reformers and the consciences of the sympathetic now, would be made far more easy of treatment. (Page 54.)

Sweated Labor and the Trade Boards Act. Catholic Studies in Social Reform—Manual II, Edited by the Rev. Thomas Wright. *P. S. King & Son, London, 1913.*

Thousands of families can and do subsist, in apparent comfort, on much less than the wage suggested above. They do, but at what ultimate cost to the nation in infant mortality, in impaired efficiency, in diminished power of resistance to disease, in desperate resort to bodily pleasures, in crime, and finally in pauperism, is but partly shown by the national expenditure on the Poor Law, the prisons, the reformatories, the hospitals and the asylums, and by the statistics of child mortality, of illegitimacy and of drunkenness. The payment of less than a living wage is, even from a merely commercial point of view, too costly in the long run to the nation that permits it. (Pages 39-40.)

Though the Trade Boards Act is a legislative experiment, it marks a noteworthy growth in our laws for the betterment of the conditions of labor. (Page 46.)

By securing a minimum wage, it aspires to raise from that moral degradation no less than to stay the physical deterioration into which many oppressed victims of our labor system have fallen, and thus it tends to remedy evils with which the Factory Acts have been unable to cope. (Page 46.)

The methods of subsidizing parasitic trades are two —the supplementing of the incomes of the workers from some source outside the trade in which they are employed, and the using up of the vital energy of the workers by forcing them to live and work upon a wage which is insufficient to afford them the means of living in normal health. Of these two the latter is by far the more injurious, whether viewed from the physical or the moral standpoint. (Page 52.)

The second form of parasitism is by far the more noxious. It is the case of trades in which workers do not draw any portion of their incomes from outside sources, but continue in a state of abject poverty and misery as long as their energy and stamina last and then

sink beneath the burden for their places to be taken by others. This is nothing less than subsidizing the trade at the expense of the health and lives of the workers. Under this system the health, physique, intelligence and moral character of the workers deteriorate. The vital energy of the whole community is being slowly but surely drained away. (Page 53.)

Der Mindestlohn. (*The Minimum Wage.*) D. Pesl, *Member of the Bar of the Supreme Court. Duncker & Humblot, Munich, 1914.*

It is necessary that the worker's standard of living should never be lowered beyond a certain point, and this can only be accomplished by establishing a legal minimum wage. . . .

Here I have but to remark that it is without doubt more advantageous to the State to have a sufficiently nourished working population, which, even in times of depression, does not fall a victim to hunger; for those who can find no work must be cared for in other ways, that is, by unemployment insurance. The damage which the country and public economy suffer through insane asylums, homes for cripples, prostitution, etc., is greater than the amount which the State or the employers have to pay for the unemployed. Hunger, misery, bad education and many other conditions arising from poverty cost the State yearly millions of marks. A better standard of living can lift to a higher moral plane those workers who, frequently from misery, ignorance, etc., populate the penitentiaries and insane asylums. A higher standard of living is only made possible through higher wages and especially the minimum wage. (Page 276.)

(b) THE TAX UPON THE WORKERS OR THEIR FAMILIES.

Workers who are paid less than living wages and who are not directly aided by the State, are supported partly by the earnings of others. The underpaying industries are thus parasitic or dependent upon a subsidy. This is paid either by the workers themselves in impaired health and working capacity, or it is paid by their families, and so, indirectly, by the better paying industries which employ them.

Principles of Labor Legislation. JOHN R. COMMONS *and* JOHN B. ANDREWS. *Harpers, New York, 1916.*

An important question likely to arise when wage standards are fixed is whether or not the financial condition of the industry should be taken into account. Most often the problem comes up in connection with the struggling business which claims it cannot survive if its workers are paid a living wage. The issue here is the lowering of the standard of wages in order to secure the continued existence of such an industry. But such a concession enables an industry to flourish without paying the whole cost of maintenance of those whose time and services it uses. Its workers must be partly supported by the earnings of others, who are thus practically subsidizing the underpaying industry. Such a trade has well been called "parasitic," since its existence depends on the bounty of others. It may be that other members of the woman's family (and the better-paying occupations in which they are employed) make up the deficit in her income; it may be that society as a whole pays the bill for the physical and moral deterioration of the workers by its expenditures for hospitals, charities, and reformatories. (Pages 182-183.)

Wage Legislation for Women. Rev. Edwin V. O'Hara, *Chairman Oregon Industrial Welfare Commission. The Catholic World, January, 1915.*

Just as the whole body of workers must be supported by the entire body of industries, so it is right that in each industry the wages be sufficient to maintain the workers in health and frugal comfort. An industry which does not pay its employees enough to purchase the necessities of life is a parasite. It makes its profit not from legitimate commercial enterprise, but is subsidized by the workers. If any business is so necessary to the community that it must be maintained by a subsidy, then in the name of decency and humanity let the subsidy come from the public treasury, and not from the earnings of working women and the homes of the poor. . . .

The right to a living wage vindicated by this judicial decision* is the right of a human being to develop his personality, to work out his spiritual destiny, to be what the word human implies. If a business cannot pay its rent and interest on borrowed capital, the burden is passed on to those who can. No sympathy is extended to a firm which fails because it could not meet the demands of the landowner and the money loaner; but because it is proposed to make a living wage a first cost on industry, great consternation is expressed for the business failures which are threatened as the result. It may reasonably be suggested that such a calamity may be averted by lowering the rent. For it is not written in the decrees of Eternal Justice, nor can it be successfully maintained in human laws, that the owner of land or other capital is to be recompensed while the laborer, by whose efforts both the one and the other have been rendered fruitful, shall be denied food and clothing for his body and a roof-tree to shelter his domestic hearth. (Page 450.)

* Stettler *v.* O'Hara et al.

Industrial Commission of Ohio. Department of Investigation and Statistics, Report No. 14. 1915. Cost of Living of Working Women in Ohio.

This study, as already explained, was restricted as far as it was proved practicable to women and girls who were dependent on their own exertions for a livelihood. Women and girls living at home, and those living in subsidized homes, were excluded. However, in the lower income groups, that is, those earning less than $8 per week, it was found extremely difficult to find women and girls who were absolutely self-dependent, because of the difficulty of existence on low wages. Thus, a young woman might be interviewed who boarded with strangers, and asserted that she was dependent on her own resources. Careful questioning, however, not infrequently might develop the fact that her parents living in some nearby town were assisting her by considerable gifts in clothing or money. (Pages 32-33.)

Industrial Commission of Wisconsin. May 1, 1916. Cost of Living of Wage-Earning Women in Wisconsin. Investigation of 1913-1914.

While it is impossible to generalize as to the part played by the wage-earning woman in the family economy, it is possible, given the composition and circumstances of an individual family, to determine the proportionate cost of maintenance of each wage-earner. Detailed information was secured from 100 families, selected at random in various cities of the state, concerning the composition of the family, the mode and standard of living, the sources and amount of income. . . . It is interesting to note the number of instances in which the earnings of the woman wage-earner barely cover the cost of the "raw material" of food and lodging, and the extent to which either the other wage-earners of the family, or public or private philanthropy must subsidize the industry employing these women at less than a living wage. (Page 15.)

1.—The percentage of wage-earning women living away from home (18 per cent.) exceeds previous esti-

mates. In the case of the girl living at home, her contribution is often a main factor in the support of the family instead of a minor item, while the actual cost of maintenance of the wage-earning woman is much the same whether she lives at home or away from home.

2.—Where the girl's wages do not cover the actual cost of her maintenance, her family or others furnishing room and board are in effect subsidizing the industry in which she is employed. (Page 19.)

Women and the Trades. Elizabeth Beardsley Butler. *The Pittsburgh Survey. Russell Sage Foundation Publication, New York, 1909.*

Although the lower wages of women may represent a lower standard of responsibilities to be met by earnings, $3 or $4 a week does not cover the individual cost of living, however extreme the degree of restraint and limitation. The difference between her wage and the cost of living, however met, represents the extent to which she is subsidized from some quarter.

That women workers are thus usually subsidized tends to keep their wages low, not only in Pittsburgh, but wherever they enter the industrial field. Only here and there a powerful women's union, or the personality of an exceptional woman, has counteracted this tendency. Being in fact a recognition that wages must approximate cost of living, it affects the determination of rates paid by nearly every firm employing women. If the cost of living is met in part by the woman's father or husband, or if she takes the way that is always open to her for self-support, her employer needs to pay only a supplementary wage fixed in part by custom, and in part by the purchasing power in the district of the wages paid to men. "We try to employ girls who are members of families," a box manufacturer said to me, "for we don't pay the girls a living wage in this trade." The social fact of woman's customary position in the household, the position of a dependent who receives no wages for her work, thus lies behind the economic fact of her insufficient wage in the industrial field. It is expected that she has men to support her. (Pages 345-6.)

Report of the Social Survey Committee of the Consumers' League of Oregon on the Wages, Hours and Conditions of Work and Cost and Standard of Living of Women Wage Earners in Oregon with Special Reference to Portland. CAROLINE J. GLEASON, *Portland, Oregon, 1913.*

Each industry should provide for the livelihood of the workers employed in it. An industry which does not do so is parasitic. The well-being of society demands that wage-earning women shall not be required to subsidize from their earnings the industry in which they are employed. (Page 6.)

Table 2 below gives the average annual wage and expense of the 509 women interviewed in Portland, classified according to industry and whether they were living at home or adrift. The saving or deficit is also indicated, showing the amount of outside help required for the girl's support.

It will be observed that the average girl in every occupation, except office work, receives wages which are inadequate for her support, and consequently would face the end of the year in debt if she does not receive assistance from her family or some outside source. This shows the extent to which industries employing women are parasitic in character.

Out of 127 persons who offered information, other than the schedules called for, 70 stated that they could not live on their salaries if they did not receive outside help; 22 had to help support families that ranged from four to nine persons; 15 others said they had children to support; 62 claimed to receive assistance from home. The wage ranged from $2.50 to $12 per week. (Pages 21-22.)

Report of the Industrial Welfare Commission of the State of Washington on the Wages, Conditions of Work and Cost and Standards of Living of Women Wage-Earners in Washington. CAROLINE J. GLEASON. *Olympia, Washington, 1914.*

It is an undisputed fact that most employers openly prefer the girl who is living at home. Their theory is

that they are not required to pay a girl with a home as large a wage as they might feel obliged to give a self-supporting girl. "Parasitic industries," the description that has been applied to them before, is the one still most applicable. The belief that a woman who is giving her entire time, energy and experience to upbuilding the success of an establishment, may be reimbursed with merely enough to pay for her clothes and carfare and then fall back upon her male relatives for cost of room and board is illogical and unjust. But the expectation of the firm to profit by this arrangement often forces on the girl adrift the same wage which the girl at home accepts. (Page 87.)

Massachusetts Minimum Wage Commission. Bulletin No. 3. August, 1914. Statement and Decree Concerning the Wages of Women in the Brush Industry in Massachusetts. Appendix I. Extracts from the Report of the Brush Makers' Wage Board to the Minimum Wage Commission, March 17, 1914.

SECTION III.—Subsidies to Industry.

If an industry can not pay for the human endeavor it uses, it is time to ask the effect of such an industry upon public welfare. Who, if anybody, is paying the sum it does not pay toward making up the amount needed to prevent bodily and mental deterioration? The difference between what is necessary and what the industry pays can come only from one of four sources.* . . .

(*c*) An indirect subsidy from industries which do pay living wages.

This is the situation where a worker who receives less than her subsistence costs is partly supported by other workers in the family. The employer of such partially subsidized women and children gets a double advantage over a self-supporting trade. He gets energy derived from food for which his wages do not pay, and he subtracts from the workers of the self-supporting trade energy for which the income derived from them

* See also page 402.

properly should pay. Such an industry is parasitic in its relations to the self-supporting trades about it.

(*d*) An indirect subsidy taken from the physical and mental capacity of the worker herself.

Where the difference is not made up in money in some one of the ways mentioned, it can only be taken from the health or strength of the worker. Such a process drains the vital strength of the nation, and as a matter of self protection as well as of humanity cannot be permitted by society. (Page 21.)

Women's Work and Wages. A Phase of Life in an Industrial City. Edward Cadbury, M. Cecile Matheson *and* George Shann. *T. Fisher Unwin, London, 1906.*

It is said that girls live at home, that they spend their holidays with their friends, that they go home when they are ill, etc. This is all true in the majority of cases, but we are not therefore justified in taking women's lives and getting our work done partly at the expense of their relations because we pay them less than enough to live in accord with the standard to which they have been brought up. Few men would like to think that they were educating their daughters at the expense, rather on the charity, of other men; that their office expenses were kept down by the kindness of men whom they would hardly know in society; and yet this is only too often the case. (Page 188.)

The Practical Case for a Legal Minimum Wage. R. C. K. Ensor. *Nineteenth Century, August, 1912.*

What happens when wages are paid too low to sustain physical efficiency, at least after the minimum demands of civilized custom have been satisfied? One of two things happens: either physical efficiency is not sustained and the under-paying industry is actually eating into the capital value of the worker; or else it is sustained, but only because to make up the deficiency in the wages of the underpaid worker part of the wages paid by some other industry is brought in (as when an

underpaid tailoress is housed for nothing by her parents, or an underpaid carman relies upon the earnings of his daughters in a cotton-mill), or relatives are diverted from non-industrial duties to wage-earning (as when the underpaid carman's wife neglects her children to go out laundering, or his children of school age sell newspapers in the streets). In either case the underpaying industry is in the strict economic sense parasitic. In the first and last cases it levies a tax on the community at large; in the second case it levies one on some special industry or industries. Neither way is it any less a bounty-fed, unfairly advantaged industry than one to which State bounties are paid over in hard cash, as to the beet sugar industry of the Continent. Indeed, a system of State bounties is far less objectionable; for the amount of the bounty is definite and visible, and it comes from a general taxation, whose burdens may be distributed as equitably as the nation chooses; whereas the bounty received by an industry which pays less than subsistence wages is indefinite and elusive, its burdens are laid at random, largely on the weakest shoulders, and the nation foots the bill, not in money only, but in physical deterioration, moral degradation and social catastrophe. (Page 265.)

Women's Wages. Mrs. F. W. Hubback. *The New Statesman. Special Supplement on Women in Industry. February 21st, 1914.*

In cases, therefore, where a woman living alone is earning less than 12s., and is dependent on her earnings, she cannot maintain her efficiency and is lessening her power to bear healthy children for the nation. Any industry which uses up the human capital without replacing it is not self-supporting and does positive harm to the community. When, therefore, a woman is partially maintained by some other source, such as by a father, a husband, etc., the industry which employs her is being subsidized from these other sources to the extent by which her wages fall short of proper maintenance. (Page 4.)

II.—BENEFIT OF INCREASED WAGES.

(1) Relation to Cost of Production.

Experience has proved the fallacy of the ordinary assumption that high wages necessarily mean high cost of production. In many instances it has been proved that high wages have led not to an increase but even to a decrease in the cost of production.

This is due to two causes: first, because the labor cost is only one item, and often a small item, in the total cost of manufacture; second, because with higher wages the heightened efficiency of both employers and workers tends to stimulate output and thus to equalize or even decrease the total costs.

According to the investigations of the Federal Government the labor cost does not usually exceed and often falls below 20 to 25 per cent. of the total cost of production, in some industries dropping as low as 4 per cent. of the total cost. In many instances establishments having a higher proportion of expenditure for labor, are shown to have higher profits than establishments with lower labor costs. In Oregon a federal investigation into the effects of the minimum wage determinations showed that during the first 5 months of adjustment to these rulings for retail stores, a marked increase in wages resulted in a rise in cost of only 3 mills to the dollar.

United States Bureau of Foreign and Domestic Commerce. Miscellaneous Series. No. 34. 1916. Report on the Cost of Production of Men's Factory-Made Clothing in the United States.

The (following) table is presented to compare individual establishments in regard to items of expense and

to show their relative efficiency as measured by their percentages of manufacturing profit.

Profit Not Dependent on Labor Cost.

It does not follow that because one establishment had a higher proportion of expenditure for labor than other establishments of the same kind it had less profits. The fact that high profits are not dependent on low labor cost is strikingly illustrated by establishments Nos. 62 and 44, the former having a manufacturing profit of 9.57 per cent. and the latter a manufacturing loss of 1.72 per cent., although the direct labor costs—29.24 per cent. for establishment No. 62 and 29.32 per cent. for establishment No. 44—may be said to be same; or by establishments Nos. 42 and 3, the former showing a manufacturing profit of 10.57 per cent., and the latter 6.79 per cent. although the former shows a direct labor cost of 25.11 per cent. and the latter only 18.54 per cent., which is next to the lowest labor cost. (Page 64.)

TABLE 18. (Condensed).

Percentages of Cost and Profit by Establishments.

Items	No. 42	No. 62	No. 3	No. 44
	Per ct.	Per ct.	Per ct.	Per ct.
Net sales	100.00	100.00	100.00	100.00
Raw materials	42.67	54.46	56.59	54.64
Direct labor	25.11	29.24	18.54	29.32
Indirect labor	6.44	1.17	2.97	3.11
Factory expense	3.16	.81	2.01	2.52
Administrative expense	2.87	1.37	6.55	4.29
Selling expense	9.59	4.43	8.41	9.23
Total manufacturing and selling	89.84	91.48	95.07	103.11
Cost of goods purchased	.....	.....	.....	.....
Deduct increase in stock of goods	.41	1.05	1.86	1.39
Add decrease in stock of goods	.....	.....	.....	.....
Cost of goods sold	89.43	90.43	93.21	101.72
Manufacturing profit	10.57	9.57	6.79	.....
Manufacturing loss	.....	.....	.....	1.72
Interest received	.03	.....	.10	.....
Rent equivalent	.....	.....	.26	.....
Miscellaneous income	.....	.....	.....	.....
Total additions to manufacturing profit	.03	.....	.36	.....
Total deductions from manufacturing loss	.....	.....	.....	.....
Interest paid on current loans	.25	.98	.06	.99
Depreciation on equipment	.06	.13	.29	.08
Miscellaneous expense	.....	.....	.15	.....
Total deductions from manufacturing profit	.31	1.11	.50	.....
Total additions to manufacturing loss	.....	.....	.....	1.07
Final profit	10.29	8.46	6.65	.....
Final loss	.....	.....	.....	2.79

(Pages 59-63.)

United States Bureau of Foreign and Domestic Commerce. Miscellaneous Series, No. 36. 1916. Report on the Cost of Production of Men's Shirts and Collars in the United States.

It will be observed that the cost of raw materials was the greatest item of expense. In establishment No. 38, the cost of raw materials was 70.71 per cent., while in

establishment No. 8 it was 45.35 per cent. of the total cost. This variation may be due to several causes. . .

Direct labor showed the next largest percentage of the total cost, for which 34 establishments showed a cost ranging between 20 and 30 per cent.; 3, between 30 and 40 per cent.; 1 establishment, No. 6, with 16.28 per cent., showed a very low cost when compared with other establishments. It does not follow that, because one establishment had a higher proportion of expenditure for labor than other establishments, it had less profits. This is strikingly illustrated by the manufacturing profits earned by establishments Nos. 22 and 6. The former had a direct labor cost of 30.04 per cent. and the latter 16.28 per cent., yet the manufacturing profit for the former was 6.68 per cent. and for the latter 3.47 per cent. (Pages 44-46.)

TABLE 21.—(Condensed).

Cost of Manufacturing and Selling: by Establishments.

Items	Establishment No. 22	Establishment No. 6	Establishment No. 8	Establishment No. 38
Total manufacturing and selling	100.00	100.00	100.00	100.00
Raw materials	56.46	61.97	45.35	70.71
Direct Labor:				
Wages	2.62	16.07	19.46	9.56
Paid to contractors	27.42	.21	13.41	13.40
Total direct labor	30.04	16.28	32.87	22.96
Indirect Labor:				
Salaries of officials	1.14	1.17	1.33	.24
Wages	.42	3.72	—	1.16
Total indirect labor	1.56	4.89	1.33	1.40
Total factory expense	1.82	3.67	1.60	1.95
Total administrative expense	3.79	4.47	4.12	1.15
Total selling expense	6.33	8.72	14.73	1.83
Manufacturing profits	6.68	3.47	3.35	.61

[Last line from Table 18, pages 44, 46, 47.]

It should not be assumed that an establishment whose proportions of expenditure for labor was lower than that of other establishments paid less to its employees than did the others. On the contrary, the earnings of individual employees might even be greater in the establishment with a low percentage of labor cost, for several reasons: (*a*) The fact that the employees were more skilled than ordinary employees; (*b*) better superintendence or superior shop arrangements enabled them to turn out a larger product per worker than could be done by workers in factories less efficiently managed; (*c*) More expensive materials were used in the goods manufactured; (*d*) overhead expenses were relatively high. (Pages 55-56.)

United States Bureau of Foreign and Domestic Commerce. Miscellaneous Series. No. 37. 1916. Report on the Cost of Production of Cotton-Spinning Machinery in the United States.

Though the wage rates in this industry (cotton-spinning machinery) have increased, it is doubtful whether the unit cost of labor has increased. More efficient manufacturing methods, the use of automatic machines, etc., have probably more than offset any increase in wages.

A good example of this is the cost of labor for each of two standard units of production, as ascertained from the books of one plant, as follows:

TABLE 19.

Labor Cost at One Plant of Each of Two Standard Units, and Number Produced.

Years	First standard unit		Second standard unit	
	Labor cost per unit	Units manufactured	Labor cost per unit	Units manufactured
1905	$10.83	1,814	$84.50	1,586
1906	8.87	2,148	83.68	1,602
1908	11.35	1,431	100.11	1,200
1910	7.90	4,245	85.23	2,463
1913	9.98	2,024	97.65	1,170
1914	9.96	1,751	90.88	1,105

As these figures for labor cost are obtained by dividing the total labor cost of each department by the number of units produced they are materially affected by the fluctuation in production. The table shows that the labor cost for the first unit is less for the year 1914 than for 1905, though the production during 1914 was slightly less than during 1905. This would indicate that the advance in wage rates has not increased the actual labor cost on this unit. Comparing the labor cost of the second unit for the same years we find that it is higher for 1914 than for 1905, but that for 1914 the production was materially less than for 1905 which would materially increase the labor cost per unit as shown in the table. If, however, 1914, is compared with 1908, two years when the volume of production was more nearly equal, we find that the labor cost per unit for 1914 was decidedly less than for 1908. (Page 31.)

Bulletin of the United States Bureau of Labor Statistics, No. 176. Women in Industry Series, No. 6. July, 1915. Effect of Minimum Wage Determinations in Oregon.

It is important to guard against confusing the effects of depressed business with the effects of minimum wage determinations. The problem in Oregon was further complicated because a reduction of legal working hours and a 6 P. M. closing regulation took effect at the same time as the wage orders . . . The effect of the country-wide depression manifested itself in a marked reduction in sales in many stores. (Pages 7-8.)

All the changes arising from decreased business, reorganization of departments, and increased rates of pay resulted in an increase in the female labor cost and also in the total labor cost of 3 mills per dollar of sales. This increased cost was not distributed equally among stores or among departments in the same store. The changes in female-labor cost varied from an 8-mill increase per dollar of sales in Portland neighborhood stores to a 1.2-cent decrease in Salem stores. (Page 10.)

Labor Cost Before and After Minimum-Wage Determinations.

When business is prospering wage increases are a matter for consideration; in a period of depression they are granted only after careful deliberation. The year 1914, the first year in which the minimum-wage determinations were in operation in Oregon, was considered a poor year in the mercantile business. To show how changes in weekly wage payments, after the minimum-wage determinations, compared with changes in the weekly sales, is the purpose of Table 12.

TABLE 12.

Per Cent. Which Average Weekly Wage Payments to Selling and to Nonselling Forces Combined Were of Average Weekly Sales Before and After Minimum-Wage Determinations in 24 Portland and 7 Salem Retail Stores.

[In each case the sales and wage payments are shown to the nearest dollar, and for this reason the totals are not always exactly equal to the sum of the items. The percentages are based on the exact amounts, including cents.]

Type of store.	Females.			Males.			Total.		
	Average weekly wage payments.	Average weekly sales.	Per cent wage payments are of sales.	Average weekly wage payments.	Average weekly sales.	Per cent wage payments are of sales.	Average weekly wage payments.	Average weekly sales.	Per cent wage payments are of sales.
PORTLAND.									
Department, dry-goods, and 5 and 10 cent stores:									
Before determinations	[1] $12,878	[1] $107,251	12.0	[1] $14,288	$68,088	21.0	[1] $27,166	[1] $175,339	15.5
After determinations	[1] $11,698	[1] $93,077	12.6	[1] $13,524	$65,279	20.7	[1] $25,221	[1] $158,356	15.9
Per cent increase (+) or decrease (−)	−9.2	−13.2	.....	−5.3	−4.1	.....	−7.2	−9.7	.....
Specialty stores:									
Before determinations	$1,704	$14,340	11.9	$714	$4,962	14.4	$2,417	$19,303	12.5
After determinations	$1,803	$16,505	10.9	$708	$4,153	17.0	$2,511	$20,658	12.2
Per cent increase (+) or decrease (−)	+5.8	+15.1	.....	−0.9	−16.3	.....	+3.9	+7.0	.....
Neighborhood stores: [2]									
Before determinations	$232	$2,446	9.5	$210	$2,376	8.8	$442	$4,821	9.2
After determinations	$132	$1,279	10.3	$191	$1,949	9.8	$324	$3,228	10.0
Per cent increase (+) or decrease (−)	−43.0	−47.7	.....	−8.8	−18.0	.....	−26.7	−33.1	.....
Total:									
Before determinations	$14,813	$124,037	11.9	$15,211	$75,426	20.2	$30,025	$199,463	15.1
After determinations	$13,633	$110,862	12.3	$14,423	$71,381	20.2	$28,056	$182,242	15.4
Per cent increase (+) or decrease (−)	−8.0	−10.6	.....	−5.2	−5.4	.....	−6.6	−8.6	.....
SALEM.									
Dry-goods, specialty, and 5 and 10 cent stores:									
Before determinations	$743	$5,439	13.7	$495	$1,978	25.0	$1,238	$7,417	16.7
After determinations	$785	$6,258	12.5	$495	$1,822	27.1	$1,280	$8,080	15.8
Per cent increase (+) or decrease (−)	+5.6	+15.1	.....	−0.1	−7.9	.....	+3.3	+8.9	.....
Total:									
Before determinations	[1] $15,557	[1] $129,476	12.0	$15,706	$77,404	20.3	$31,263	$206,880	15.1
After determinations	[1] $14,418	[1] $117,119	12.3	[1] $14,917	$73,203	20.4	$29,335	$190,322	15.4
Per cent increase (+) or decrease (−)	−7.3	−9.5	.....	−5.0	−5.4	.....	−6.2	−8.0	.....

[1] Includes wage payments for extra help and sales made by such help.
[2] 9 neighborhood stores did not report sales, and have therefore not been included in this table.

Sales made in March and April, 1914,* were, according to the above table, 8 per cent. less than sales made in the same stores in these months in 1913. Yet the rates of pay of a large number of women employees had been raised to meet the conditions imposed by the determinations of the Oregon Industrial Welfare Commission. In spite of the increase of 4 per cent. in the average rates of pay for women and of 8.6 per cent. in their average earnings, the total weekly wage payments decreased 7.3 per cent. in the period covered in 1914, a decrease made possible by the reduction in the number of women employed. On the other hand, the sales made by women decreased 9.5 per cent. By reference to Table 12 it is seen that before the determinations the average weekly wage payments to women were 12 per cent. and after the determinations 12.3 per cent. of the average weekly sales, or 12 and 12.3 cents, respectively, out of every dollar of sales. The net female-labor cost, therefore, increased 3 mills on every dollar of sales.

The male-labor cost increased only 1 mill on every dollar of sales, but the number of men and the amount of money involved were not sufficient to change the total labor cost as much as a half mill. Consequently the net increase in the cost of labor, male and female, was 3 mills and a negligible fraction on a dollar of sales. (Pages 32-33.)

Massachusetts Minimum Wage Commission. Bulletin No. 6. Wages of Women in Retail Stores in Massachusetts. Boston, 1915.

In connection with the study of the wage situation in retail stores, a circular letter was sent to a number of representative firms throughout the State asking for information on the following points:—

1. Average selling cost by departments for a period of one year. By this is meant a pay-roll ratio, the total wages of the selling force (not including buyers) being

* Conditions peculiar to one firm's business rendered these months not comparable in the two years; the records for September in 1913 and 1914 were therefore substituted.

expressed as a percentage on the total sales of each department.

2. Average total operating expense for one year, expressed as a percentage of the total sales for that period and apportioned to the various items of cost, as wages of sales force, buyers' salaries, general wage, rent, advertising, etc.

Replies were received from 11 establishments, comprising 8 department stores, 2 specialty shops, and 1 five-and-ten cent company. (Page 13.)

According to the figures received, the total operating expense for the 10 stores ranged from 28.5 to 18.0 per cent., with an average of 25.4 per cent. The selling cost (based on salaries of salespersons only) averaged 6.9 per cent., the highest figure recorded being 12.3 per cent., the lowest 4.0 per cent. The item of rent (including interest, taxes, insurance, light and heat) ranged from 3.0 to 7.1 per cent., with an average of 4.8 per cent., while advertising and display ranged from 2.2 to 5.5 per cent. and averaged 3.3 per cent. The figures furnished by the several firms were based on such varied systems of expense distribution that it was not possible, from the limited number of answers received, to find a sufficiently representative average for any of the other items of expense.

Owing to the fact that there is lack of uniformity in the classification and grouping of departments in the different establishments, comparative figures are given only for the following departments:—

Name of Department	Selling Cost		
	Lowest Percentage	Highest Percentage	Percentage about which there is a concentration
1. Cloaks, suits and dresses	3.2	7.1	6.0
2. Millinery	5.8	15.0	8.7
3. Waists	3.9	9.3	6.0
4. Notions	8.2	10.2	9.2
5. Laces	5.3	9.8	---
6. Ribbons	3.8	10.5	7.0

It will be seen from the last column of the above table that the selling cost is highest in the notion and lowest in the cloak, suit and dress departments. These figures are of special interest when compared with the table on page 15, showing earnings paid in the same departments in eighteen of the establishments where the wage records were taken by the commission.* Here earnings are shown to be highest in the cloak and suit and lowest in the notion department. (Pages 13-14.)

It clearly appears that high wages do not necessarily mean for a given establishment a high selling cost. On the contrary, establishments paying high wages are among those with the lowest selling cost, as shown by the accompanying figures, taken from four stores of sufficient similarity for comparison. It is not possible to estimate the extent to which this fact is due to the character of the goods sold, or to what extent to the efficiency of management. In general, the department stores and shops selling high-priced goods are those in which the high wages are found.

	Per cent. of all saleswomen receiving $10 and over	Per cent. of selling cost
Establishment A	6.9	12.3
Establishment B	13.7	9.9
Establishment C	53.1	7.1
Establishment D	74.6	4.2

Here it is shown that for a given number of establishments wages and selling cost vary inversely, and the establishment with the lowest selling cost has quite as markedly the largest number of high-paid employees.

Consequently, the conclusion seems justifiable that if the adjustment is carefully made higher wages would not increase the selling cost for the establishments for which it is already high, but would probably diminish it. (Page 16.)

* In only eighteen of the establishments studied was the departmental classification of such similarity as to permit the grouping.

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. I. Report of Commission.

The arguments in support of wage legislation may be summarized as follows:

At the hearings before the Commission it was stated that after the initial period of introduction the cost of production would be reduced rather than increased because the worker will be more competent, being in better physical condition as the normal result of better food. A striking instance of increased efficiency was given by Mr. N. I. Stone from the investigation of the tariff board. As a result of an eight months' strike in the largest paper mills in the country, an eight hour shift was established in place of a twelve hour shift, resulting in a practical increase in wages of thirty-three and one-third per cent. Within the year it was found that the cost of production had decreased ten per cent. with no other changes except the change from twelve to eight hours. The cheap worker is disregarded, the wage paid him is so little he is not worth considering. Our investigations show that it is the cheap worker who is first dismissed. It was difficult to obtain information regarding the cost of production, but in the making of men's work shirts, which retail at fifty cents, it was found that it cost the manufacturers $2.35 per dozen; he sells them to the jobber at $3.00 or $3.50 a dozen. The material in the shirt costs a little less than five cents. That is, the labor cost is only 20 per cent. of all expenses. Therefore an increase of 10 per cent. in the pay roll would amount to only 2 per cent. in the cost. This will indicate that an increase in the labor cost, if it did affect production, still would not necessarily compare to any increase in the price to the consumer. (Pages 44-45.)

Ibid. Vol. II. Appendix IV. Mercantile Establishments.

Wages and Sales.

In order to find what the relative efficiency of salespeople is, we inquired from individuals concerning their

ordinary daily and weekly sales. The returns, of course, varied according to seasons and line of goods. . . .

The returns from 127 women in New York City stores vary from $40 to $800 a week; but over half of them center between $50 and $200. The records for 102 saleswomen in cities in the western part of the state are given in terms of daily transactions, and vary from less than $5 to $100, *i. e.*, $30 to $600 sales a week. But again the great majority range between $5 and $30 a day, or $30 to $180 a week. Accordingly, we may say that the transfer of $30 to $200 worth of goods a week represents the ordinary transactions of a representative saleswoman. The returns for salesmen range higher, centering between $10 and $60 a day or $50 to $350 a week.

We did not correlate these returns with wages, because both items could not be checked up from the books of the firms. We have learned from the statements of superintendents and accountants, however, that the wages of salespeople will ordinarily run from 4 per cent. to 6 per cent. of the price of goods sold. This percentage, of course, varies widely from season to season and from department to department. From 2 per cent. to 10 per cent. may indicate rough limits. But in general, salespeople have to dispose of about $20 worth of goods to earn a dollar, and must ordinarily surpass this amount to make extra pay. (Pages 116-117.)

Status of the Business.

The expansion of large retail stores within recent years has been remarkable. Elaborate and costly structures housing the products of every country have risen in our cities. For beauty and convenience these stores are among the foremost in the world.

Obviously money is necessary to equip and run these colossal establishments. Recent failures have revealed to the public the huge financial operations involved. Not only have individual firms incorporated as stock companies, but certain groups of merchants have managed chains of stores and held stock in affiliated concerns. The capital stock of one corporation was recently quoted at $26,500,000, and paid over $2,000,000 in net dividends.

Another concern was capitalized for over $97,000,000 and paid a dividend of 6 per cent. on $50,000,000 of common stock, which represents "good will".

The revenue and expense items of stores vary widely from place to place and according to the character of goods handled. Local merchants were unwilling to show financial statements, but through the kindness of certain gentlemen, we were enabled to examine the proportion of expenses credited to certain items in representative stores. These can best be summarized by a typical statement such as that which follows:

Prime cost of merchandise	70
Less discount at 5%	3½
Net cost	66½
Marked up to sell at	100
Gross profit	33½
Selling expense	28
Net earnings on sales	5½

Discounts vary greatly from nothing at all to 10 per cent. or over; 4 to 6 per cent. is an ordinary range. The term of discount also varies in extent. It may be long enough in the case of rapid-selling goods to allow disposal of most of the stock before payment of the same is necessary. It is a common practice also among large buyers to claim discounts even after the expiration of the time allowed. We are told upon good authority that the saving from this source is sufficient to finance the office force of a large concern.

The percentage of mark-up also varies with the character of the goods and the class of patronage. Where selling expenses are high, as in the fashionable New York City stores, this will exceed the figure given above. The range of gross profits also varies considerably. The figure given above is fairly high. It may fall to 27 per cent. or 28 per cent. and mount to 35 per cent. Selling expenses also vary widely, say from 20 per cent. to the

figure given above. Of course, net profit depends upon the difference of these two, and will ordinarily range from 3 per cent. to 10 per cent., with an average of 5 per cent. to 6 per cent.

We shall not here attempt to give a detailed analysis of all the items of expenses, save to say that the sales, overhead, office, and delivery, appear to be the largest items, with advertising and rent bulking very large in the accounts of the great city stores.

One feature must be remarked before we can understand the finances of a mercantile establishment, and that is the rapidity with which this stock is turned over. The liquidation depends upon the character of the goods and varies widely, from women's wear, which is sold out and replenished two or three times each season, to books and housefurnishings, which may be replaced only once or twice a year. On the whole a live firm expects to turn its stock five or six times annually. A very well managed concern may effect a turnover of the value of all the merchandise eight or ten times during a space of twelve months. Here, of course, is where the profits in the business lie, for although a 5 per cent. or 6 per cent. profit on the annual business seems comparatively small, when we realize that this amounts to 25 or 30 per cent. income on the capital actually invested, we begin to see the source of revenue. (Pages 118-119.)

Fourth Report of New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV. The Shirt Industry.

Labor Cost.

The foregoing data regarding wages lead us finally to consider the proportion that labor cost bears to other items of expense in the shirt trade. For this purpose we may here present statements from representative manufacturers regarding typical garments made in their establishments. We have few complete financial accounts so as to be sure of the element of profit. The following examples may, however, serve to indicate the basis upon which certain firms do business.

Let us take as our first instance a blue chambray work shirt, double-stitched, with a soft collar and cuffs attached, one pocket, sleeve facings and seven pearl buttons. The following analysis shows the principal items of expense for making a dozen garments. It does not show the cost of trimmings.

34 yards "Defiance" 3.8 twenty-eight-inch cloth, at 6½c.	$2.21
Cutting	.08½
To contractor for sewing	.84
Pressing	.04
Packing and shipping	.07½
Factory overhead charges	.02½
Cost to manufacturer	$3.27½

These shirts are sold to jobbers at $3.50 a dozen, leaving the manufacturer about 20 cents above the expenses noted. They retail at 50 cents apiece.

For work shirts such as we have just described and similar garments of somewhat inferior grade, which sell to the trade for $3 per dozen, the cost of sewing and finishing varies from 65 cents to 85 cents a dozen, according to the style and quality of workmanship. From 70 cents to 75 cents a dozen was the usual price for a $3 grade in the shops last winter. The material used was worth less than that specified above, so that the manufacturer's cost was about $2.85 a dozen garments. (Pages 226-227.)

To sum up this analysis of costs for low grade shirts in New York City, it appears that the materials in a 50-cent work shirt cost less than 20 cents and the labor of making it about 5 cents. The contractor and manufacturer each make about 5 per cent. profit, and the rest is absorbed by jobbers and retailers. The cost of materials and labor is somewhat higher for the better grades of work shirts, but the total cost in relation to the selling price is proportionately less, leaving a larger margin of profit to makers and dealers. What per cent. the makers earn upon their investment we do not now know,

because capital accounts and inventories to show annual turnover were not available. Neither could we ascertain with certainty the extent of trade discounts for this class of goods. We were informed, however, that considerable speculation in the prices of both materials and finished products exists. (Pages 228-229.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. II. Appendix IV. The Paper Box Industry.

Status of the Trade.

The question now arises, what can the trade afford to do? Unquestionably the business is growing. Our accountant was able to secure financial statements from the books of ten representative firms. Wherever possible these were checked up from the original records. There were many differences noted in the distribution of various items by certain firms. The estimation of overhead charges and the calculation of profit are subject to correction. The following comparative and summary schedule shows the analysis of accounts for the fiscal year of 1912.

Paper Boxes.

Percentages of Expenses and Receipts, Based on Net Sales.

Factory Number	Cost of material used in manufacture of goods sold	Wages of employees engaged directly in manufacturing	Other manufacturing costs	Selling and delivery	Office
206	38.80	26.62	8.70	9.13	2.83
232	37.90	22.50	11.30	19.30	2.20
252	28.17	33.14	24.01	10.13	*
274	35.85	30.71	9.05	7.53	3.69
282	29.50	39.00	6.10	5.20	2.90
283	30.41	16.78	24.25	12.61	3.31
322	32.43	30.44	6.63	4.74	0.74
323	45.99	18.65	5.93	4.31	1.61
354	82.63	22.10	7.61	5.32	1.40
355	40.90	24.93	13.40	7.54	1.34
Average	35.25	24.83	14.73	9.84	2.97

Factory Number	General Expense	Administrative Salaries	Net Profits on sales	Other Income	Total Net Profits
206	0.93	6.05	6.92	1.77	8.69
232	2.50	2.30	1.40	----	1.40
252	*8.62	*	†4.07	0.77	†3.30
274	3.15	5.80	4.22	0.45	4.67
282	2.60	12.50	2.20	0.30	2.50
283	2.66	5.40	4.58	0.87	5.45
322	----	----	25.02	----	25.02
323	0.42	11.36	10.63	----	10.63
354	3.03	5.01	22.38	----	22.38
355	2.86	2.04	6.88	2.11	9.00
	2.25	4.30	6.40	1.00	7.40

* The amount chargeable to the Paper Box Manufacturing Branch of this Business for Office and General Expenses and Administrative Salaries is estimated and charged in a lump sum. The details could not be obtained.

† Loss.

This represents sales amounting to over $1,347,000. A notable feature is the large item for miscellaneous costs. Paper boxes are awkward to handle and expensive to store, so that rent and delivery charges also figure

large. The labor cost is one-fourth of the value of the marketed product. Net profits do not appear to be excessive, if these figures can be trusted.

It is remarkable how greatly the labor cost varies. This, of course, is in part due to the amount of machinery and supplementary or "non-productive" labor used. Still a variation of nearly 100 per cent. (from 17 per cent. to 39 per cent.) leads one to believe that the economy of the business is by no means standardized.

Paper boxes are probably cheap enough considering the human labor that enters into their manufacture. According to our figures, an increase of 10 per cent. in the general level of wages would not necessarily raise the price 2.5 per cent., nor reduce profits by the same amount. (Pages 268-269.)

Ibid. Vol. II. Appendix IV. The Confectionery Industry in New York State.

. . . The confectionery trade is one that is capable of earning large profits for the entrepreneur. The rapid growth of the industry within recent years is ample proof of this. A wholesale merchant asserted that his candy, taken together, did not cost more than 12½ cents per pound, and although profits were stated to be less than ½ cent a pound, it was admitted that the annual output was several million pounds.

Of total costs, labor is a comparatively small proportion. The 13th census gives 13 per cent. as the share for wages. The principal expense is for materials. Only in the higher grades of goods is skilled manipulation essential. . . .

The following summary from the last Federal Census indicates the development of the confectionery industry in the United States during the last six decades. It furnishes a suitable conclusion for this section of the report.

GROWTH OF THE CONFECTIONERY INDUSTRY IN THE UNITED STATES.

	Number of establishments	Wage earners (average number)	Wages	Cost of Materials	Value of Products	Value added by manufacture
1909	1,944	44,638	$15,615,388	$81,150,773	$134,795,913	$53,645,140
1904	1,348	36,239	11,699,257	48,810,342	87,087,253	38,276,911
*1899	962	26,866	8,020,453	35,354,208	60,643,946	25,289,738
1889	2,921	21,724	7,783,007	31,116,629	55,997,101	24,880,472
1879	1,450	9,801	3,242,852	17,125,775	25,637,033	8,511,258
1869	949	5,825	2,091,826	8,703,560	15,922,643	7,219,083
1859	541	2,340	688,423	2,990,186	5,361,100	2,370,914
1849	383	1,733	458,904	1,691,824	3,040,671	1,348,847

* Small shops no longer counted.

According to these returns, the wage-earners have been multiplied 26 times; the wages paid 34 times; the value added in manufacture 40 times; the value of the product 48 times; and elsewhere it is reported that the capital involved has increased 68 fold. The question now arises whether the workers are receiving their share in this growing industry.

An adequate answer to this question would require a more detailed analysis of better cost and financial accounts than we have been able to obtain. Most manufacturers do not keep records showing the efficiency of factory workers or the value of the product at various stages of completion. An employee is "worth" as much as he can get according to the general level of the labor market. How much he actually earns by adding through his labor, value to the product, is not known.

As to net profits, we are unable to report, because manufacturers objected seriously to revealing complete financial accounts. It is generally agreed, however, that the selling price of sweets is well above their cost, the materials being the principal item of expense. The rapid turnover of capital and its remarkable increase as shown by the Census figures quoted above, indicate that the business is not unprofitable. (Pages 337-338.)

Fourth Report of the New York Factory Investigating Commission. 1915. Volume V. Public Hearings.

Dr. Howard B. Woolston, Director of Wage Investigation; Assistant Professor, College of the City of New York:

Now as to the cost of labor: You probably know that the proportionate labor cost in the total expense of manufacture and sales varies enormously. According to the Federal statistics it ranges from 4 per cent. in the making of sugar to about 49 per cent. in the making of steel cars. . . . To give you a more concrete example, a more vivid one, let us take the case of the blue chambray working shirt, such as motormen and carters wear, which retails for about 50 cents. It costs the manufacturer to make it about $2.85 a dozen, and he sells it to the jobber for about $3 to $3.50 a dozen. Now the material that is in that shirt costs the manufacturer about twenty cents and the labor for cutting, sewing and packing costs a little less than five cents.

It has been asked what the cost of increasing wages in certain lines might be. For purposes of illustration I made some calculations as to what the cost of a rise of wages would mean. In the industrial lines we found some four thousand women of 18 years and over who were getting less than $8 a week. They averaged $5.79. What would it cost to raise these women up to $8 a week? It would add about 7 per cent. to the payroll. But the wages of labor being only about 13 per cent. of the total cost of manufacture, it would add 7 per cent. of 13 per cent. to the cost. In candy that would mean increasing the cost of 100 lbs. of candy twenty-four cents. (Pages 2564-2565.)

Q. Twenty-four cents on 100 pounds of candy? A. Yes, sir.

Q. That would be about one-quarter of a cent a pound? A. Yes, sir.

The same thing was figured out about raising the sales people in the stores. It would amount to one-third of 1 per cent. to raise the saleswomen to $9 for the large department stores. In the neighborhood stores it would

necessitate pricing articles a full dollar instead of 99 cents, in order to raise the mature women to $9 and the girls under eighteen to $6.

With regard to profits it has sometimes been asked, what would the effect be on them? You see there are three things that may be affected—the price of goods, or the number of workers who may be displaced, or the profits that may be cut down on the basis of the figures we have. To raise 5,000 women in the large New York City stores to $9 would add about $11,000 to the payrolls. Supposing that the cost of stock and sales departments in the stores is about 8 per cent. of the expense, it would amount to one-half of one per cent. of the net returns on the sales. Now if the annual turnover, as in most stores, is five or six times per annum, this would amount to abstracting from the net earnings of 5 per cent. one-half of one per cent.

Q. Where do you get your figures? A. The figures as to the persons involved and the amounts paid are from the returns from the stores. The proportions used in determining what percentage is paid are from the returns of accountants to whom we were referred by persons interested and concerned in the dry goods business. I can not mention the names of the accountants unless the Commission particularly wish me to. (Pages 2565-6.)

Wages in New York. Howard B. Woolston, *Director of Investigation for the New York State Factory Investigating Commission. The Survey, February 6, 1915.*

In the paper box trade, it was found from the returns of ten typical plants, that the labor used directly in manufacture received from 17 per cent. to 30 per cent. of the value of the marketed output. Certainly no exact standardization is here apparent. In the candy trade, the average labor cost is about 13 per cent. of manufacturing expenses. Candy ordinarily costs from twelve cents to fifteen cents a pound to make; but may sell at retail from thirty cents to sixty cents a pound. An increase of wages does not seem impossible in such a business.

The question then arises, what can business afford to pay, and what effect would a rise in wages have upon prices and profits? For illustration let us take the weekly rates of wages of 45,000 department store employees receiving $50 or less. This number includes nearly 4,000 girls, under eighteen years of age, who earn less than $6 a week, and more than 13,000 women, eighteen years or over, who earn less than $9. Now suppose the wages of all these low-paid girls and women were raised to the figures just mentioned, $6 and $9 respectively. How much would this add to the weekly pay-rolls of these stores? In round numbers over $38,000. But this amount is only 8.5 per cent. of the total pay-rolls. Now if the total cost of selling goods is 30 per cent. of their retail price (which is high), and if the total labor cost in stores amounts to 50 per cent. of all running expenses (which is also generous), then the total labor cost is 50 per cent. of 30 per cent., or 15 per cent. of the selling price. If now we increase this 15 per cent. by 8.5 per cent., we add 8.5 per cent. of 15 per cent., or 1¼ per cent. to the price of the goods.

In other words, by selling articles marked ninety-eight cents or ninety-nine cents for $1, the total increase in wages would be covered without causing displacement of workers, decreasing profits, or improving methods of business. This slight addition to prices would secure an average weekly increase of $1.38 to 4,000 girls and $2.38 to 13,000 women (29 and 36 per cent. above their respective average earnings).

But how would this affect profits, if prices could not be raised? Assuming that the net annual profits amount to 5 per cent. on the business done, a reduction of 1¼ per cent. looks large. But when we remember that the stock of most busy stores is turned over five or six times a year, an annual dividend of 5 per cent. on the business means a return of five or six times that on the basis of the capital invested. That is, if $200,000 invested in goods is turned five times so as to yield $1,000,000 worth of business in a year, a return of 5 per cent. on this total amount is $50,000 or 25 per cent. on the actual amount invested.

In other words, 5 per cent. less 1¼ per cent. leaves only 3¾ per cent. net profit. But five times 3¾ per cent. on each turn-over means nearly 19 per cent. net returns on the investment. Even such a proposal does not appear to deprive representative firms of inducements for continuing business. (Page 511.)

Is the Minimum Wage a Menace to Industry? N. I. Stone, *Chief Statistician, Wage Scale Board of the Waist and Dress Industry of New York. The Survey, February 6, 1915.*

One of the strongest objections to the minimum wage is the additional tax which, it is claimed, the increased wage will impose upon industry. It is argued that the greater cost of production must be covered by charging higher prices to consumers. Where competition from states in which lower wages prevail, makes that impossible, manufacturers must stand the loss, with the imminent ruin of their business as a consequence. . . .

But is it true that an increase in wages invariably leads to an increase in the cost of production? Though it seems a most natural consequence, a study of industrial conditions the world over leads to the conclusion that such is by no means the case. All things being equal, the higher the wages or the shorter the hours of labor, the higher must be the cost of production. But modern society never stands still for a moment, and not all things remain equal when important changes in wages or hours take place.

In the great world markets to-day in which the products of every foreign nation compete on an equal footing and lowest prices for equal quality are the sole road to success, it is not the countries in which lowest standards of wages prevail that claim the greatest share of the business, but those paying the highest wages. In spite of the fact that the highest wages prevail in practically every industry in the United States, as compared with corresponding industries in foreign countries, American goods successfully compete in foreign markets with those produced by the lower paid labor of Europe and Asia.

American Competition.

These goods include a great variety of products in the manufacture of which skilled labor is employed in the United States, such as hardware, fine tools, razors, fire-arms, sanitary goods and appliances, boots and shoes, corsets, furniture, electrical appliances, machinery of almost every description, agricultural implements, clothing, automobiles, structural steel, and cotton goods.

The mere fact that so many industries are able to combine high wages with low prices as compared with countries in which much lower rates prevail—wages in Europe being about one-half of those in the United States, and in the Orient from one-tenth to one-fourth—points to the presence of a general cause connecting high wages with low costs of production and vice versa. Economists have been in agreement for some time that highly paid workers are in the end the cheapest labor, but until the United States Tariff Board undertook an intensive study of comparative costs of production on an extensive scale, in a number of leading industries, we lacked the necessary statistical data to demonstrate the operation of this law.

The most important fact established is the absence of such a thing as *a* cost of production in an industry not only in one country, but even in the same city.

As confirmed by the later investigations of the New York State Factory Investigating Commission, and the Massachusetts Commission in other industries, and of the Wage Scale Board of the Dress and Waist Industry in New York City, the tariff board found that establishments existing side by side and competing in the same market are paying wages differing as much as 50 per cent. for substantially the same grade of labor. It also found that neither the labor cost not the total cost of production varies in a direct ratio with wages.

Thus in paper and pulp manufacture it was found that the labor cost of making a ton of news-print paper in the United States varied from $2.19 to $7.26 per ton.*

* U. S. Tariff Board Report on Pulp and News-Print Paper Industry, 1911, p. 39.

The most remarkable fact about it was that the mills paying the lowest wages and having a twelve-hour day, had a higher labor cost per ton of paper than those paying the highest rates of wages and having an eight-hour day.

The solution of this puzzle lies in the chapter of the report dealing with the efficiency of equipment in paper mills. Mills were found to vary greatly in this respect. Some had machinery thirty years old; others boasted of machines with latest improvements. The older machines had a capacity of 17 tons in 24 hours, whereas the newer machines could produce 50 tons. The result, according to the tariff board report (page 52), was that the machine cost of labor per ton of paper was $1.84 on the old and only 82 cents on the new, the same rate of wages being paid to the machine tenders in each case.

But important as the mechanical equipment is in determining the efficiency of labor, the human equation is subject to no less variation under certain conditions.

The figures secured by the tariff board from the books of several mills (including those to which reference was made before the committee of Congress) showed a diminution in the labor cost per ton of paper from $4.35 to $3.73 in 1909, under the eight-hour system. In other words, an increase in the hourly rate of wages to the extent of 50 per cent. not only failed to result in a corresponding increase in the cost of labor per ton of paper, but was accompanied by an actual lowering in cost. Though the figure of $4.35 in 1908 happened to be the highest in ten years, the tariff board report (page 79) showed that there was not a single year in that decade under the twelve-hour system which showed as low a cost as in 1909, the first year under the eight-hour system. On the other hand, when it is remembered that during a large part of the year 1909 the mills were idle, owing to the strike for shorter hours, and that costs are usually above normal when a plant is started up after a long period of idleness, there is every reason to believe that the labor cost was still further reduced after 1909. (Pages 512-13.)

Even more striking proved many of the facts disclosed by the investigation of the cotton industry. In spite of higher wages prevailing in the United States, as compared with England, and the longer start which the English cotton industry has had over the American, it was found that many varieties of cotton goods, including some of the finest women's dress goods, were sold at lower prices in the United States than in England, and exported to Canada in competition with British goods despite the preferential tariff in favor of England which places imports from the United States at a disadvantage.* That American cotton goods compete with English in China and South America, was known before the tariff board made its investigation. But fear was expressed of the coming menace of Japanese competition with its fifteen-cents-a-day weavers. The tariff board, therefore, extended its investigation to Japan, and figures compared with similar data for corresponding mills in the United States led to the startling revelation that, with the superior American machinery and superior personal efficiency of American labor, the American weaver receiving $1.60 a day was in certain cases cheaper than the Japanese weaver at 18½ cents a day.†

A study by the tariff board of labor efficiency in the various processes of wool manufacture showed that almost invariably the mills paying higher rates of wages per hour, produced goods at a lower cost than their competitors paying less. . . .

In the carding department of seventeen worsted mills, the mill paying its machine operatives an average of 13.18 cents per hour had a machine labor cost of four cents per hundred pounds; while the mill paying its machine operatives only 11.86 cents per hour had a cost of twenty-five cents per hundred pounds. This was due largely to the fact that the lower cost, high wage mill had machinery enabling every operator to turn out more than 326 pounds per hour, while the high cost, low wage mill was turning out less than forty-eight pounds per hour.

* U. S. Tariff Board Report on Cotton Manufactures, pp. 563-575.
† *Ibid.*, p. 12. Weavers' wage bill, table 162, p. 526.

The same tendency was observed in the carding departments of twenty-six woolen mills. The mill with the highest machine output per man per hour, namely, 57.7 pounds, had a machinery labor cost of twenty-three cents per hundred pounds, while the mill with a machine output of only six pounds per operative per hour had a cost of $1.64 per hundred pounds. Yet this mill, with a cost seven times higher than the other, paid its operatives only 9.86 cents per hour, against 13.09 cents paid by its more successful competitor.

These examples could be repeated for other departments of woolen and worsted mills, but will suffice to illustrate the point that higher rates do not necessarily mean higher costs. They show that mill efficiency depends more on a liberal use of the most improved machinery than on low wages. Thoughtful planning in arranging the machinery to save unnecessary steps to the employees, careful buying of raw materials, the skilful organization and utilization of the labor force in the mill, systematic watching of the thousands of details, each affecting the cost of manufacture, will reduce running expenses to an astonishing degree. (Pages 512-513.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. IV. Appendix VIII. Minimum Wage Legislation in Australasia. Chapter I. Victoria.

Comparable figures on production costs are hard to obtain for the period during which the policy of minimums has been in effect. However, the following table indicates in a general way the factors involved in production in different years.

	1904 Per cent.	1912 Per cent.
Wages*	20.7	22.2
Fuel and light	1.6	1.5
Materials	57.8	59.5
	80.1	83.2
Articles produced	100.0	100.0
Margin for profits and other expenses	19.9	16.8

* Victorian Year Book, 1904, p. 586, 1912-13, p. 752.

Inasmuch as all of the industries in the state are comprehended in these statistics, it is not possible to point to any definite effects due to the wages boards. It is significant, however, that during eight years the relative amount of wages paid has increased only one and one-half per cent., and that since 1904. The total cost of production has increased but three per cent. in this period and the profits accruing to employers have diminished by a like proportion. From these facts we may conclude that while the cost of production has risen, this rise in relation to higher wages in individual industries is very problematical. Although wages have materially increased in certain lines, their effect has been counter-balanced by other factors, such as increased efficiency, and to some degree, higher prices.

We have seen that there has been a slight increase in the cost of production in Victorian industries taken as a

whole. We have also seen that prices have in some trades been raised because of determinations, the cost of production thereby being passed on to the consumer. This has been true more especially of purely local industries in which machinery was little used, such as dressmaking.* In the case of staple products labor legislation has had little effect on prices as was found by the New Zealand Commission on the Cost of Living in 1912. The extra charge of higher wages must then be met by increased efficiency of the productive organization or by a reduction in the proportion of profits. There is reason to believe that both tendencies have been operative to some extent. Viewing both phases of this general problem, cost of production and higher prices as related to higher wages, we must conclude that for Victoria higher wage standards have not necessarily meant higher prices for products. Nor have they necessarily meant lower rewards for capital. The charges due to higher wages have been shifted in part to the general public, in part to the management of business. In either case society as a whole has been the gainer. (Pages 1918-1919.)

Industrial processes have been specialized, sometimes in response to wage determinations, and the effect of higher wages has thereby in part at least, been neutralized. (Page 1953.)

Chapter III. New South Wales.

The relation of the wage budget to the cost of production in manufacturing processes is quite variable. In the food producing industries wages represent something like 7 per cent. of the value of the total output, while in shipbuilding wages amount to 56 per cent. of the total cost. It is evident that labor cost is an item of varying importance in different industries, and that its effect upon the total cost of production depends upon other trade conditions. . . .

There is no doubt that in some trades the almost uniform raising of wages by the boards has increased directly the cost of production, and hence the cost of the

* Victoria, Report of the Chief Inspector of Factories, 1904, p. 21.

product to the consuming public. In industries such as the building trades, where competition is active, the burden of increased costs has had to be met out of the profits. Where it has been possible, however, employers have increased their prices to the public. Sometimes an award has been a mere pretext for putting prices beyond even the increases in wages.* Employers' associations organized to resist industrial claims, have been known to combine in demanding unwarranted prices from the public. In this respect the history of this state is not unique in Australasia. (Page 2085.)

But without minimizing the fact that in many lines of industry, production costs and prices have arisen with higher wages, there is no patent evidence considering industry as a whole, that higher wages have necessarily increased the burdens of creative enterprise. In 1901 wages constituted on an average 19.2 per cent. of the value of the total output of the factories of the state. In 1911 this proportion had fallen to 18.5 per cent.† In the same year the average ratio of wages cost for the industries of New South Wales was lower than that of any other state in the Commonwealth.‡ Although it is probably true that State regulation has increased the cost of production in unexpected ways, there is no support for the contention that manufacturing enterprise has thereby been crippled and thwarted. The wage clauses of an award are not the only factors in the situation. Higher wages have been combined in their operation with two important resultant factors, the more extensive use of improved processes and the increasing efficiency of production. (Page 2086.)

Some Considerations Affecting Economic Reconstruction. The Round Table, London, June, 1916.

There is no question but that both in the United States and in Canada, and almost certainly in Germany, too, the value of a man's output is greater than in this coun-

* Industrial Gazette, Vol. 5, p. 428.
† Official Year Book, 1912, p. 446.
‡ Official Year Book of the Commonwealth of Australia, 1913, p. 546.

try. If the figures of the United States Census of Production are compared with ours, the result shows that, for instance, in the trades producing textiles, clothing, gas, railway carriages, paper, food and drink the proportion of value produced per wage-earner in the United States is £545 as against £245 in the United Kingdom. These values may not be strictly comparable, because more capital per man is used in the United States, and interest to be paid thereon out of the gross profits is, therefore, greater than with us. For instance, the horse-power used per worker is in the United States 2,346 as against 1,182 with us. But they are probably sufficiently accurate as a general guide, and they show how greatly the output of wealth can be increased, and what a margin is available by greater effort for the capitalist, the wage-earner and the employer, or in the alternative for a reduction of prices to the consumer. (Pages 490-491.)

Industrial Law. Frank Tillyard (*Barrister-at-Law, Chairman of Local Munitions Tribunals for the Districts of Birmingham and Coventry, Member of Trade Boards*). *Black, London, 1916.*

Lastly, there seems to have been an important change in the estimate of what may fairly be included under "cost of production". Thus a share of the burden of accidents occurring in the course of employment, of sickness suffered by work-people during the years of employment, and of distress arising in certain industries during periods of unemployment has in recent years been thrown on employers, on the general ground that the wear and tear of the human machine or tool may fairly be regarded as an element of the cost of production. The fixing of a minimum wage is based on a similar conception. An industry which does not pay its work-people a living wage is rightly called a parasitic industry, and is not bearing the whole of the cost of production. (Page 18.)

The Establishment of Minimum Rates in the Tailoring Industry Under the Trade Boards Act of 1909. R. H. TAWNEY. *The Ratan Tata Foundation (University of London). Bell, London, 1915.*

. . . The effect of an advance in wages upon prices will depend upon the proportion which wages form of the total expenses of production. If, as in the case of chainmaking, the labour-cost of making the article is high, and there is little room for other economies, the result upon selling prices of a rise in wages will naturally be more considerable than it is in the case of an article the labour-cost of which is relatively low. Now the proportion which wages form of the total cost of making clothing varies, of course, according to the quality of the article under consideration. In the case of an expensive suit materials will probably form a smaller proportion, and wages a larger proportion, of the total expenses than in the case of a cheaper one. But fairly extensive inquiries suggest that wages rarely form more than one-third, and often, perhaps generally, not more than a quarter, of the cost of producing clothing. The figures supplied us by five firms are as follows:

A. Proportion of wages to total cost of producing garments 17½ per cent. to 20 per cent. for suits retailed at 21s. to 25s.

B. Proportion of wages to total cost of producing garments 20 per cent. for suits made wholesale at 30s., 35s., 40s. and 50s.

C. Proportion of wages to total cost of producing garments 23 per cent. ("a suit sold for 30s. costs 1s. for cutting and 6s. to make, or 7s. in all").

D. Proportion of wages to total cost of producing garments about 33 per cent.

E. Proportion of wages to total cost of producing garments 44* per cent. (average figures for four years).

* This apparent exception to the statement made above is only apparent. The firm in question makes up much material supplied it on commission. It estimates that in its case the proportion of wages to the total cost is about double what it would be in the case of an ordinary firm.

Obviously in these circumstances, a rise in the wages of persons engaged in the tailoring trade will make a comparatively small addition to the total cost of production. On the assumption that wages constitute about 25 per cent. of the expenses of manufacturing clothing, an increase of 10 per cent. in the wages bill would mean an increase of 2½ per cent., and a rise of 20 per cent. in the wages bill an increase of 5 per cent. in the cost of production. Materials are a far more important item in the manufacturers' expenses, and the cost of materials has been rising. Hence, while it is true that a certain number of retailers and manufacturers ascribe the rise in prices to the Insurance Act, or to the Trade Boards Act, or to both, there seems more to be said for the view of the larger number who have insisted that, apart from any legislation, prices would have risen owing to the increased cost of materials used in the manufacture of clothing. "Wool of various classes," stated a large firm in June, 1913, "has advanced from 10 to 15 per cent. during the last six to nine months, and the cost of dyeing and finishing has risen by about 10 per cent." (Pages 99-101.)

The Promotion of Industrial Harmony. Professor L. T. Hobhouse. *Proceedings of the Section of Economic Science and Statistics of the British Association for the Advancement of Science. Manchester, 1915.*

If you take any industry by itself and regard the price of its product as a fixed quantity, you can always show that the margin for a possible increase of wages is very small. But this is no valid argument against the possibility of a general increase in the share falling to the manual workers in industry, since such advance, if continuously pressed, must effect a gradual re-arrangement of the scheme of distribution, and therewith of the rates at which commodities are exchanged for one another. The argument from the impossible has been used against every improvement of the workman's position in the past, and has been constantly disproved by the event. (Pages 42-43.)

The Future of Work. L. G. Chiozza Money, M. P. *Unwin, London, 1914.*

It is not yet widely understood that the cost of the worker is not the same thing as the cost of the work. It is the cost of the unit of work that matters. The Japanese cotton operatives, with their few pence a day, cannot rival the work of Lancashire operatives, who earn more in a few hours than Japanese operatives earn in a week. The absurdly low wages of the Japanese do not enable Japan to beat us in competition in the cotton trade. The much higher Lancashire wage amounts to a lower cost of labour per unit of work.

It is perfectly true that wages are an element in price, but they do not form an element which is directly proportionate to the rate of wages paid. On the contrary, cheap labour is a dear element in price, and dear labour is a cheap element in price up to the point at which the wage is high enough to produce the maximum of efficiency. (Pages 155-156.)

The Economy of High Wages. An Inquiry Into the Cause of High Wages and Their Effect on Methods and Cost of Production. J. Schoenhof. *Putnam, New York, 1892.*

. . . Though cheap labor gets less remuneration per diem, its cheapness is no saving to the employers. More hands are required to do the same amount of work that better paid labor does at the same cost. (Page 22.)

It is a fortunate sign of the times that we are at last beginning to recognize the all-important and redeeming fact, that cheap labor by no means means cheap production; that, on the contrary, low cost of production and a high wage rate go hand in hand. (Page 31.)

If a high wage rate is an impelling cause in this country to the introduction of improvements and the adoption of labor-saving processes, the low wage rate per diem ruling elsewhere is an equally strong inducement for the continuance of rusty and antiquated methods. (Page 35.)

A high rate of wages expresses a high rate of pro-

ductiveness, and its converse a high consuming power. A relatively high consuming power, high standard of living, is required to make the laborer efficient, strong in body and in mind. Without this, labor remains economically more or less sterile, for which an adequate proof will be given in the further progress of this work, treating the industries of the country seriatim. Employers can therefore under no possibility lose where a permanently high rate of wages rules. They cannot possibly lose under a rising rate of wages even, as a rise in actual wages is only possible with a rise of the productive power of labor. A higher rate of wages than the one of a previous period simply registers the change which has gone on in the direction of improvement in the economy of production. But instead of being injured, the employer gains positively by the rise in the standard of wages through the increasing demand thereby created for the increasing product. (Pages 63-64.)

It is then clearly evident that there is no greater fallacy than the doctrine that a low rate of wages is necessary to insure a low cost of production. In fact, the opposite is shown to be the true principle upon which the productive processes of nations rest. (Page 65.)

Boots and Shoes.

We are certainly justified in saying in regard to this industry that a low cost of production and a high rate of earnings go hand in hand, and are the result of the most intelligent application of the most improved methods and labor-saving inventions in the economy of production. Applied to the test of foreign competition, this is proved with most convincing clearness by this statement of comparative cost and comparative earnings:

	Cost of Labor	Weekly Wages— Male	Female
Lynn, Mass.	$ .35	$12.00	$7.00
Stafford, England	.63½	5.76 to 6.24	2.83
Leicester, England	.64	6.72 to 8.40	3.60 to 4.32
Berlin	.67	4.80 to 7.20	
Frankfort	.61	4.32 to 7.20	2.16 to 3.60
Vienna	.71	4.30 to 9.60	4.40

This is not, on a general question, based on averages, but on a closely defined article. An American sample, procured from a Lynn factory, formed at each place the subject of a personal inquiry, so that no doubt could be legitimately raised. The differences in the cost of production and in the relative earnings are all due to differences in the labor methods, the results of the habits and trade conditions of the peoples. They all employ machinery. The goods are everywhere factory products. The machinery is nearly all American or of American origin, with foreign improvement or adaptation. Yet these are the results. (Page 24. Page 374.)

United States Congress. Senate Document No. 31. Report by the Tariff Board Relative to the Pulp and News-Print Paper Industry. 62nd Congress, 1st Session, 1911.

The next table shows itemized cost for a much larger number of ground-wood pulp mills for a series of years. The items for 1900 could not be satisfactorily secured, and hence are omitted for that year. Itemized costs per ton of ground-wood pulp are given from 1901 to 1909, inclusive. Here, again, the variations relate almost entirely to the cost of wood, and the increase in wood cost almost exactly equals the advance in total cost. As a matter of fact labor conditions had radically changed in most of these pulp mills; wages had been increased, reduced, and increased again; hours of labor had been radically reduced, and yet manufacturing labor costs were lower at the end of the period (1909) than in the beginning (1901).

TABLE 25.

Itemized Cost of Production of Ground Wood Pulp, by Years, 1901-1909.

Items	1900	1901	1902	1903	1904	1905	1906	1907	1908	1909
Material, wood	$6.48	$6.96	$7.09	$7.41	$8.38	$8.78	$9.08	$9.50	$11.14	$11.82
Conversion:										
Manufacturing, labor	.....	2.45	2.37	2.57	2.53	2.46	2.46	2.55	2.64	2.34
Pulp stones	.....	.14	.12	.11	.10	.09	.10	.11	.11	.10
Felts	.....	.16	.12	.11	.11	.12	.14	.13	.10	.09
Wires	.....	.....	.....	.01	.03	.03	.03	.04	.04	.04
Screen plates	.....	.08	.05	.06	.06	.07	.07	.05	.05	.06
Belting	.....	.10	.07	.07	.07	.06	.06	.07	.07	.06
Lubricants	.....	.05	.04	.03	.04	.04	.04	.04	.04	.04
Repair materials	.....	.56	.49	.49	.61	.56	.62	.77	.88	.59
Repair labor	.....	.37	.29	.32	.36	.30	.29	.32	.41	.43
Fuel, coal	.....	.02	.01	.....	.04	.02	.01	.02	.04	.03
Barn	.....	.....	.....	.03	.04	.03	.03	.02	.03	.02
Miscellaneous operating expenses	.....	.11	.10	.04	.05	.06	.07	.07	.16	.24
Office	.....	.....	.....	.01	.01	.02	.02	.02	.02	.02
Water power	.....	.38	.34	.37	.36	.36	.37	.40	.60	.45
Total	4.15	4.42	4.01	4.25	4.47	4.21	4.31	4.60	5.19	4.51
Direct cost	10.63	11.38	11.10	11.66	12.85	12.98	13.39	14.10	16.34	16.33
Fixed charges:										
Insurance and taxes	.....	.04	.03	.05	.07	.17	.17	.15	.32	.25
General expense	.....	.09	.08	.10	.11	.08	.08	.09	.....	.....
Total	.21	.13	.12	.15	.19	.25	.25	.25	.32	.25
Total manufacturing cost	10.84	11.51	11.22	11.81	13.04	13.23	13.64	14.35	16.66	16.58

(Page 78.)

Congressional Record. Vol. 47. Part 2.
Speech of WILLIAM C. REDFIELD
on Wool Schedule. 62nd Cong
1911.

Last January I was in the city of T
who was with me took a large cont
from the Japanese Imperial State R
competition with Germany and Englan
lion dollars' worth of locomotives. Th
to the head of the locomotive shops of
ways, and the Japanese master mech
"We can make locomotives much che
in America. We have American equip
produce them for less than you can."
quired my friend. "If so, let us get
you will tell me from your cost shee
your locomotives cost, I will tell you
And, by the way, he said: "What mak
your locomotives cost less than ours?"
"because we only pay one-fifth the w
that you pay to yours." So they got t
they found that the fact was that the l
motives on the same specifications wa
half times greater in the Japanese
American shops. And that is a perf
and not an abnormal one. (Page 1940

The important factor in labor cost
wage, but the rate of output. It is not
what you get for what you pay that cou

I have just stated in the matter
serious element is not the rate of wag
output. . . .

Output varies with the character of
equipment, its arrangement, or other
with the nature of the superintenden
pline, and so forth. It is absurd to s
done by a man paid $4 daily costs mor
work done by a man paid $2 daily. .
the wage rate as the controlling factor
unit is both inadequate and misleadin

are a very notable example of this. The English railways have vastly cheaper labor than we, but their freight charge per ton-mile is two and one-half times ours. . . .

To say a man gets $3 per day means nothing at all as to the cost of his product. It may be either low or high, and the wage rate taken by itself alone affords no basis of comparison. Apart from the wage rate, labor cost per unit is very largely under the control of the manufacturer and may be radically altered without changing the wage rate. . . . (Page 1942.)

I know of a machine manufactured in this country—an engine that sells for $87.50. In our factory we manufacture an engine of the same size that we sell for $350. How is it that our competitor does not get all the business?

. . . The cost of production is more influenced by rate of output, and its quality, than by rate of wage or hour of labor. (Page 1946.)

A steadily decreasing labor cost per unit of product is not inconsistent with, but is normal to a coincident advance in the rate of pay for the work, when accompanied with careful study of methods and equipment. Now, these principles have stood the test, gentlemen, of two panics, and of a single year when we lost 35 per cent. of all our business at one stroke, because the industry that gave it to us collapsed. It went almost out of existence, and new business had to be found from some other place. Yet no man's wages were cut.

I repeat, a steadily decreasing labor cost per unit of product is not inconsistent with, but on the contrary, is normal to, a coincident advance in the rate of pay for the work when accompanied by careful study of methods and equipment, as previously suggested. Conversely, low-priced labor nearly always is costly per unit produced, and usually is inconsistent with good tools, equipment, and large and fine product, else such labor would not be low-priced. (Page 1946.)

Now, however, that scientific manufacturing as a profession has begun and is growing, the fact is found that we can and often do produce as cheaply here as abroad,

not despite of, but because of, the higher rates of wages here, which are but a partial measurement of the higher efficiency and character of the American workman and of the fine equipment put at his disposal. (Page 1948.)

United States Congress. House Document No. 643. Report of the Tariff Board on Schedule I of the Tariff Law. 62nd Congress, 2nd Session, 1912.

As is well known, wages or earnings are not necessarily an index of the labor cost of any particular process of manufacture. The labor cost per yard depends on the relation between wages and output. An extreme illustration can be shown by figures secured by the Board in Japan. It is true that the wages of spinners and weavers per day in that country are very low, but the number of operatives employed to secure a given output is much greater than in this country. In the case of spinning, the lower wages paid are not offset by the larger number of persons employed, and consequently the amount paid to spinners per pound of yarn is materially less than in this country. On the other hand, Japanese weavers tend only one or two looms, and the lower output per weaver under existing conditions makes the amount paid the weaver per yard of cloth about 80 per cent. of the amount paid in this country where plain looms are used in this country; while compared with the use of automatic looms the amount paid the weaver per yard of cloth is greater than in this country. (Page 12.)

Schedule K. The Effect of the Tariff on the Wool Grower, the Manufacturer, the Workman, and the Consumer. N. I. Stone, *Formerly Chief Statistician of the Tariff Board. Century Magazine, May, 1913.*

Industrial efficiency depends on a great many conditions, an adequate discussion of which would take us far afield. One fact, however, stands out pre-eminently, and must be emphasized until it is seared into the consciousness and conscience of the American citizen, and

that is that industrial efficiency, which is synonymous with low labor cost, does not mean, or depend upon low wages. Yet the lower wages in Europe constitute the stock argument in every plea for protection that is dinned into the ears of Congress.

Almost invariably the mill paying higher wages per hour showed lower cost than its competitor with lower wages.

Thus, in wool scouring the lowest average wages paid to machine operatives in the thirty mills examined was found to be 12.16 cents per hour, and the highest 17.79. Yet the low-wage mill showed a labor cost of 21 cents per hundred pounds of wool, while the high-wage mill had a cost of only 15 cents. One of the reasons for this puzzling situation was that the low-wage mill paid nine cents per hundred pounds for supervisory labor, such as foremen, etc., while the high-wage mill paid only six cents. Apparently well-paid labor needs less driving and supervising than low-paid labor. (Page 118.)

Principles of Economics. Edwin R. A. Seligman, *Professor of Political Economy, Columbia University. Longmans, Green & Co., New York, 1914.*

Economic production implies the turning out of the greatest product with the least cost. So far as the wages of labor form an element of cost, it would seem to follow that low wages or cheap labor is a necessary condition of low cost. Before accepting this ostensibly self-evident proposition, however, it is necessary to pursue the analysis further. (Pages 289-290.)

. . . In any single industry low wages do not necessarily mean low cost. The real cost of labor is to be measured by its productive efficiency. Just as the hundred-thousand-dollar railway president is cheap because an inferior and low-priced substitute would botch matters and increase expenses, so in the case of the ordinary wage-earner the real cost is to be measured by the ratio of wages to the product of labor. In the Philippines the contractors find it in the end cheaper to hire the Chinamen in preference to the natives, although the former

command larger wages; in the Southern cotton factories the white laborer is found more advantageous than the negro factory hand, who can be hired at a materially lower wage. Furthermore, in the same industry and with the same workmen neither an increase of wages nor a curtailment of labor time necessarily augments cost. Where a reduction of hours or an increase of wages succeeds in enhancing energy, care and sobriety, the output may be greater than before. Especially where fine machinery is used and a high grade of intelligence is required to secure the best results, we often find a true economy in high wages and a lower cost in shorter hours. (Pages 290-291.)

So far as labor is a factor of production, cost depends not merely upon wages, but upon wages as compared with output. Under certain conditions there is a true economy in high wages; the more a workman is paid, the less he may cost. (Page 291.)

. . . The true reduction of labor cost of permanent importance is that caused by increased efficiency. The more of a man a laborer is, the better tool he becomes. Whatever society does to improve the individual will be more than repaid by an augmented production of wealth. (Page 293.)

Principles of Political Economy. JOHN STUART MILL. *Vol. I. Appleton, New York, 1874.*

Wages, and the cost of labour; what labour brings in to the labourer, and what it costs to the capitalist; are ideas quite distinct, and which it is of the utmost importance to keep so. For this purpose it is essential not to designate them, as is almost always done, by the same name. Wages, in public discussions, both oral and printed, being looked upon from the same point of view of the payers, much oftener than from that of the receivers, nothing is more common than to say that wages are high or low, meaning only that the cost of labour is high or low. The reverse of this would be oftener the truth: the cost of labour is frequently at its highest where wages are lowest. (Page 512.)

Ibid. Vol. II.

We continually hear of the disadvantage under which the British producer labours, both in foreign markets and even in his own, through the lower wages paid by his foreign rivals. These lower wages, we are told, enable, or are always on the point of enabling them to sell at lower prices, and to dislodge the English manufacturer from all markets in which he is not artificially protected.

Before examining this opinion on grounds of principle, it is worth while to bestow a moment's consideration upon it as a question of fact. Is it true, that the wages of manufacturing labour are lower in foreign countries than in England, in any sense in which low wages are an advantage to the capitalist? The artisan of Ghent or Lyons may earn less wages in a day, but does he not do less work? Degrees of efficiency considered, does his labour cost less to his employer? Though wages may be lower on the Continent, is not the Cost of Labour, which is the real element in the competition, very nearly the same? That it is so seems the opinion of competent judges, and is confirmed by the very little difference in the rate of profit between England and the Continental countries. But if so, the opinion is absurd that English producers can be undersold by their Continental rivals from this cause. It is only in America that the supposition is *prima facie* admissible. In America, wages are much higher than in England, if we mean by wages the daily earnings of a labourer; but the productive power of American labour is so great—its efficiency, combined with the favourable circumstances in which it is exerted, makes it worth so much to the purchaser, that the Cost of Labour is lower in America than in England; as is proven by the fact that the general rate of profits and of interest is very much higher. (Pages 251-252.)

General low wages never caused any country to undersell its rivals, nor did general high wages ever hinder it from doing so. (Page 254.)

Manual of Political Economy. HENRY FAWCETT, M. P., *Professor of Political Economy in the University of Cambridge. Macmillan, London, 1876.*

. . . The difficulty arises from confusing wages with cost of labour; wages may be very low, and yet the labour be so inefficient, from causes previously explained, that the cost of labour may be extremely high. The English contractors who made the French railways could have engaged any number of French labourers at one-half the wages that were paid to English navvies; but so superior is the physical strength of an Englishman, that it was proved that one English navvy would do as much work as two French labourers. In this case, therefore, the cost of French labour would be as great as the cost of English labour, although the wages of the English labourer were twice as great as those paid in France. (Pages 173-174.)

The chairman of the Birmingham Chamber of Commerce lately asserted that formerly the district round that town made nearly all the locks which were used throughout the world; but that at the present time the industrial appliances of America were so superior to our own, that America imported the metal of which locks are made from Staffordshire, and exported the manufactured locks to England, underselling us in our own market. Upon inquiry it is found that all the reasons which are given to account for this superiority of American industry, either directly or indirectly, arise from the imperfect education of our people. Although higher wages are paid in the United States than in England, yet labour is said to be less costly in the former country, because the workmen there possess a quicker intelligence, greater ingenuity, and are more ready to avail themselves of improved mechanical appliances. (Page 231.)

Industrial Efficiency. A Comparative Study of Industrial Life in England, Germany and America. ARTHUR SHADWELL. *Vol. 2. Longmans, Green & Co., London, 1906.*

Wages, I repeat, are the incentive to work, and if the work is to be adequate the incentive must be adequate. Employers often fail to realize this. The complaint of the men is well founded. A manufacturer, hard pressed by competition, seeks to reduce cost of production, and the item which lies readiest to his hand is the wages bill. He cuts it down, or tries to cut it down. The step may be unavoidable; it sometimes is; but often it is not, as the result of some of the greatest strikes has shown. It is truer economy to make it the last instead of the first thing to touch. A German textile manufacturer recently worked the thing out for me in figures. I did not put it to him in that way, but I asked for some information which led him to make a minute analysis of the cost of production in his business. The result surprised him, and he told me that manufacturers in the same branch of industry have only the vaguest idea of the relative importance of the many items that make up the cost of production. It is a complicated and laborious task to work them out in exact detail, and he had never attempted it before. He found that a 10 per cent. reduction of wages was only equivalent to one farthing a yard, or one per cent., in the price of the finished product. The conclusion he drew was that wages were the last thing they ought to touch in attempting to reduce cost. (Pages 126-127.)

Even those who take a pride in doing good work for its own sake are helped and stimulated by the recognition implied in higher pecuniary rewards. It is, therefore, no reflection on any workman to say that they would work better if they were better paid. Many workmen in England are in that position. I should not venture to be so positive about it if I had not good warrant for the opinion from the quarter where it would be least expected. In the ship in which I came over from America there happened to be five English manufacturers, who

had been in America partly on business and partly for the purpose of studying industrial conditions like myself. They represented iron and steel, small arms, cotton, wool and, I believe, machinery. I am not quite sure about the last, but at any rate they included several great industries. One of them had large interests in cotton-seed oil mills in the States. They were good enough to invite me to a conference on the subject of English and American industrial methods; and we discussed it for a couple of hours. Among other things I asked this question, "How are you to get more work out of the men at home?" and the answer came prompt, "Pay them better." (Page 130.)

British Sessional Papers. Vol. VI. 1907. Report of the Select Committee on Home Work. Minutes of Evidence.

G. R. Askwith (Barrister, Arbitrator in Trade Disputes).

4281. Now there is one more point, and it is a very important one, which has been raised, and that is with regard to the price of articles and the effect of legislation upon consumers. I think you have already told me that you consider that such legislation would tend to increase efficiency?—Yes, I think so. If the workers are in a better condition they can generally do better work.

4282. If it increases efficiency, would the production of the trade increase in proportion to the labor cost?—Yes, I dare say it would.

4283. That would be the tendency to increase production?—The tendency would be that way.

4284. Therefore, if that is so, what would be the obvious effect on the price?—There would be more articles produced and therefore the price would not tend to go up so much as if a less number of articles were produced.

4285. As a matter of fact, if we take the last generation, wages have risen, have they not?—Yes, in most trades.

4286. Generally all over the country; but the cost of products has not risen?—The cost of a lot of articles has not risen, but the standard of comfort has risen.

4287. The price of articles is falling?—I believe that that is so with regard to articles necessary to life.

4288. That is to say, speaking broadly, while wages have gone up, prices have gone down in the last thirty years?—Yes, I think that that is so as a broad proposition.

4289. With regard to the effect on the cost of production, if we take our Labor Laws, Factory Acts, Workmen's Compensation Act, and all the various laws for the protection of labor, are they not equivalent to an increase in the cost of labor, or in the remuneration of labor?—Yes, I suppose they are.

4290. They are increases in the cost of management?—Yes.

4291. If a factory has to be whitewashed, for example, that increases the cost?—They have improved the condition of the worker, and in improving the condition of the worker, they have thrown the cost on the trade.

4292. Such things have introduced a real improvement in efficiency?—That has been the policy of this country ever since Lord Shaftesbury started his Factory Acts, and everyone agrees now that the Factory Acts are a most valuable addition to the legislation of this country.

4293. Quite so; and as a matter of fact, since those enactments the prices of the common necessaries of life have fallen?—Yes, that is so.

4294. In spite of the increased cost which has been thrust upon the producer?—Yes—upon the industry as a whole. (Page 210.)

Principles of Economics. ALFRED MARSHALL, *Professor of Political Economy, University of Cambridge. Macmillan, London, 1907.*

. . . We have hitherto supposed that it is a matter of indifference to the employer whether he employs few or many people to do a piece of work, provided his total wages-bill for the work is the same. But that is not the case. Those workers who earn most in a week when paid at a given rate for their work are those who are cheapest

to their employers (and ultimately to the community, unless indeed they overstrain themselves, and work themselves out prematurely). For they use only the same amount of fixed capital as their slower fellow workers; and, since they turn out more work, each part of it has to bear a less charge on this account. The prime costs are equal in the two cases; but the total cost of that done by those who are more efficient, and get the higher time-wages, is lower than the total cost of that done by those who get the lower time-wages at the same rate of piece-work payment. (Page 548.)

The Industrial Revolution of the Eighteenth Century in England. Arnold Toynbee, *Lecturer and Tutor in Balliol College, Oxford. Longmans, Green & Co., London, 1908.*

As wages are primarily determined by the amount of the produce, our first business is to inquire what determines this amount. Now, the amount of the produce depends to a large extent upon the efficiency of labour. It is this which chiefly determines the quantity of wealth the labourer can create. If we look at different countries —at America, at France, at Germany, at Russia, and at England, we shall see that there are different rates of wages in these countries. What is the main cause of this difference in the rate of wages? It is the difference in the efficiency of labour, as well as in the natural resources of the country. Here is the first great hope which the latest analysis of the wages question opens out to the labourer. It shows him that there is another mode of raising his wages besides limiting his numbers. He can increase the dividend by increasing the amount of the produce. (Page 175.)

One reason why wages in England are high compared with wages on the Continent is that the machinery used in England is more efficient than that used on the Continent, and that the physical strength and skill of the working man here enables him to superintend more machinery than the working man on the Continent is able to superintend. Machinery has also had a great effect

in raising wages; first because it has made labour more efficient, and the labourer thus produces more; and secondly because it has cheapened commodities, and therefore the labourer can buy more. You have probably heard of the bitter complaints of American manufacturers, of the high wages they have to pay, of their desperate competition with the 'pauper labour' of Europe. Now, why do men get high wages in America? Partly for the very reason we are considering, because workmen produce more in America than in other countries, for labour-saving machinery has been more rapidly invented there than in any other country. At the very time when American manufacturers were complaining of the competition of 'pauper labour' in Europe, it was shown that in the American hardware industries, in which wages were double as high as they were in England, America was underselling other countries in their own markets. (Page 176.)

Hansard's Parliamentary Debates. N. S. Vol. 4. 1909.

Mr. Winston Churchill, President of the Board of Trade:

The wages of a sweated worker bear no accurate relation to the ultimate prices. Sometimes they vary in the same places for the same work done at the same time. And sometimes the worst sweating forms a part of the production of articles of luxury sold at the very highest price. That, I think, has special reference to the argument which has been adduced in regard to some of the high-class products made abroad. A great argument upon which we rely, however, is decent provision for industrial workers. "General low wages," said Mill, "never caused any country to undersell its rivals; nor did general high wages ever hinder it." Employers who now pay the best wages are enabled to maintain themselves not only against the comparatively small body of foreign competition in these trades, but against what is a far more formidable competition for this purpose—the competition of those employees who habitually undercut them by the worst process of sweating. I cannot believe that the process of raising the degenerate and parasitical

portion of these trades up to the level of the most efficient forms of trade, if it is conducted by those conversant with the conditions of the trade and those dependent, will necessarily result in an increase of the price of the home product. (Page 387.)

Mr. H. J. Tennant, Parliamentary Secretary of the Board of Trade:

. . . Again, I would like to remind the House that high wages do not carry with them high prices. That is proved by the sweated trades. Certainly low wages do not necessarily carry with them low prices. (Page 346.)

Look at the great staple industries, I say, again. Look at the cotton trade, where the wages are highest. They compete against the same trade in India and Japan, where the wages are lowest, and they are not afraid of foreign competition. They have never found it difficult to compete against India and Japan in the neutral markets of the world. (Page 347.)

(2) Stimulus to Industrial Efficiency.

The payment of higher wages has been found an important incentive to increasing efficiency on the part of both employers and employees. It stimulates the employer to reduce costs by improvements in organization and management, and by the adoption of new inventions, and also to develop and to keep the most efficient workers.

(a) on the part of employers.

The Future of Work. L. G. Chiozza Money, M. P. *Unwin, London, 1914.*

The effect of the payment of better wages upon the master is no less marked than upon the man. Good wages are doubly blessed; they bless both those who give and those who take.

When a master in any trade is compelled to pay higher wages—no matter whether the compulsion be that his men have alternative employments offered them, or that they combine together in a trade union and demand a better wage, or that the law steps in, as under the Trade Boards Act, and says that he shall not pay low wages—the master has to look about him and mend his ways. Experience shows that he does not content himself with paying the higher wage forced upon him. He looks round to see what economies he can make to compensate him for the higher wage, and in the general case he soon finds means of effecting economies. The argument here is precisely the same as in connection with the costs forced upon employers by factory legislation in all countries. (Page 157.)

Factory laws are a great incentive to efficiency in industry, but higher wages are an even better incentive. A man compelled, by whatever circumstances, to pay good wages, respects those to whom he has to pay them, and does everything he possibly can to get his money's worth by working for efficiency in every department of his business. He watches waste, he looks out for labour-saving appliances, he looks at every penny of cost that

enters into the price of his goods. Invention is thrust upon him by necessity.

It is in the trades in which the highest wages are paid, therefore, that the greatest efficiency obtains, and it is in these that Britain finds herself most efficient. The trades in which our export power is strongest are those which are the best organised and the best paid. By the same token you shall know most surely which are the most successful countries. Pick out those nations where wages are highest, and you also pick out the nations which have the largest exports and the greatest industrial strength and competitive power. (Pages 158-159.)

A Living Wage. Rev. John Augustine Ryan. *Macmillan, New York, 1906.*

. . . A part of the increase in wages would be derived from the increased productivity of the industries in which the rise occurred. The higher wage enjoyed by the laborers would give them a higher physical and mental efficiency, and consequently a greater productive power, while the increased labor cost of production would compel business men to introduce better machinery and a better organization of industry. Most of the improvements of the last century in methods of production seem to have originated in the pressure exerted upon employers and by the demands of labor. As long as they could secure the advantages of cheap production through cheap labor, employers generally declined to undertake the exertion, risk and expense of discovering or introducing new processes. A similar condition obtains to-day in many of the industries in which labor is underpaid, and a similar course would be adopted by many employers if they found it no longer possible to hire workers for less than a living wage. (Page 311.)

The New Industrial Day. A Book for Men Who Employ Men. Wm. C. Redfield. *Century Co., New York, 1912.*

The industrial manager of today must take a different attitude toward labor from that which has been common

in the past. The day when the largest output was asked for the smallest wage is passing, not to return, for that theory of production is being proved false and expensive. It has been coincident with such waste in other ways, and provocative of such expense in many forms, that with increasing knowledge it has been outgrown and is being discarded.

The keen and careful manager of a modern plant will rather follow the law of the greatest output and the greatest wage. His thought will go to the reduction of his burden charges, to removing the cost for repairs, to keeping his producing machines moving through the largest possible percentage of the working day, to stopping the production of "seconds," to providing the uninterrupted flow of material, to cutting out the waste of time and effort; and in these productive ways he will find his time so profitably occupied that the payroll may be forgotten, save that he will, to the extent that he is wise, see that it is commensurate with the productiveness of his operatives. We may even hope that ere long he will come to say with true pride: "We pay the largest wages, and we have, therefore, the lowest labor cost." (Pages 39-40.)

He will not crowd the soul and life out of his workmen, but will recognize that their prosperity and his are bound in one, and that if his product is to be brought low in cost it must be by furnishing them the very best tools and equipment and the most favorable working conditions; because only when that is done and liberal pay with continuous employment is added to it can one get that self-discipline enforced which is the life of a high-grade modern shop. . . . Such a manufacturer will look closely and ceaselessly at his rate and quality of product, and at its sure and steady flow. He will watch his wastes and his unproductive expenses, but the last thing that will worry him will be the rate of wage. If his goods come out with few or no seconds, if his ratio of repairs and "returns" is small, if his waste of time and material is kept to a low limit, if his shop is well balanced, if the spirit in his works is that of

earnest, steady, quiet enthusiasm, if he is a leader to his men and not a tyrant over them, he will be content if his men earn high wages for his cost sheets will be right. (Pages 58-59.)

We must learn that efficiency means three things that always go together and can not be separated: the increase in our output and its improved quality, the increase in what we pay our workers, and, because of these, the decrease both in the direct and indirect cost of what we make. (Pages 71-72.)

Not long ago the superintendent of a Southern cotton mill said to his employer: "I cut down our labor cost last month."

"Did you reduce the wages?" he was asked.

"No. I raised them, but I got more done." (Page 133.)

Some Aspects of the Minimum Wage. H. A. Millis. *Journal of Political Economy. February, 1914.*

The low wages of women are not, as many would have us believe, chiefly a matter of low efficiency. To a very considerable extent they are due to exploitation. To a very considerable extent, also, they are due to the cutting of wages by employers in an effort to remain in business with poor business management and antiquated methods. Inefficiency is not found in the labor force alone. In many cases it is made good in the management at the expense of the employees. To some extent the low wages are due to the fact that competition has operated in such a way as to reduce whole industries to the position of "sweated trades".

The minimum wage legislation is designed to meet the problem thus presented. It is not in its essence a demand that the young and inexperienced and the "under-efficient" shall be paid the same wages as the experienced and the efficient. It *is* designed to standardize and to rid the trades of their *capricious differences* and to raise the level of wages where the plane of competition in the entire trade is low. (Pages 139-140.)

Work and Wages. Sir Thomas Brassey. *Putnam, New York, 1883.*

High wages do not necessarily imply dear labor, just as, on the other hand, low wages do not, of necessity, make labor cheap. (Pages 74-75.)

Doubtless the dearness of labor in England has stimulated inventive genius and administrative skill. (Page 13.)

Or again, when the superior qualities of the operatives do not fully make up for the difference in wages, the high price of labor will generally lead to the use of labor-saving machinery, which would not have been adopted had labor been cheap. (Page 76.)

A Living Wage. William Cunningham. *Contemporary Review, London, January, 1894.*

There is one important point, however, on which it is necessary to insist: the really important thing is the maintenance of a standard of comfort—and of real wages. It is only in this sense that high wages promote efficiency.

"The conviction that abundant remuneration and efficient work are correlative is so firmly held by the great mass of intelligent English employers as to give the proposition an axiomatic character. Lancashire cotton manufacturers, for example, rejoice in, and are proud of, the high earnings of their work people, and in every town there is a certain spirit of emulation among them in the endeavour, by the provision of good machinery and good material, to place their establishments in the front rank as places where the weekly wages stand highest. This principle that abundant earnings and industrial success go together, has been learned by experience, by observation, and by the interchange of idea which is always going on in every department of trade".* (Page 19.)

* Manchester Chamber of Commerce Record, Nov. 30, 1893, p. 383.

British Sessional Papers. Vol. VIII. 1908. Report from the Select Committee on Home Work.

Low-priced labor is a great obstacle to improvement. It discourages invention, and removes or prevents the growth of a great stimulus to progress and efficiency. The direct and early result of prohibiting unsatisfactory conditions in industrial life is almost invariably to direct the attention of the most competent minds in and about the trade to the production and introduction of such improvements in machinery, methods and processes as will enable the industry to continue under greatly improved conditions, and be carried on with greater success than before. In our judgment there is no reason to doubt that similar beneficial results to all concerned—employers, workpeople, and the general public—to those which have followed the establishing of minimum conditions of other kinds in various departments of industrial life, would follow the establishing by law of minimum rates of payment for such classes of workers as experience has shown are unable to secure for themselves rates of payment for work which may reasonably be regarded as even the lowest upon which an average worker can exist. (Page XIV.)

The Practical Case for a Legal Minimum Wage. R. C. K. Ensor. *Nineteenth Century, London, August, 1912.*

Let no one suppose that in these cases, or in cases where excessively low wages affect a trade, the appeal for state intervention is an appeal solely for the unemployed against the employer. Largely it is an appeal for the good employer against the bad. Many an employer whose low-wage rates are an injury to the community knows and deplores it, but is helpless in the grip of competition. (Page 272.)

On the side of trade efficiency, it seems certain that the prohibition of the worst underpayment has stimulated manufacturers to overhaul their workshops, improve plant and remove waste. In trades where under-

payment has been pronounced, there is usually much room for this: for the inefficiency of the cheap, underpaid workers almost inevitably reacts on the management. (Pages 273-274.)

The Economic Theory of a Legal Minimum Wage. SIDNEY WEBB. *The Journal of Political Economy, University of Chicago Press, December, 1912.*

Let us, therefore, consider the probable effects of a legal minimum wage upon the brain workers, including under this term all who are concerned in the direction of industry. Here the actual experience of the Factory Acts and of strong trade unionism is very instructive. When all the employers in a trade find themselves precluded, by the existence of Common Rule, from worsening the conditions of employment—when, for instance, they are legally prohibited from crowding more operatives into their mills or keeping them at work for longer hours, or when they find it impossible, owing to a strictly enforced piecework list, to nibble at wages—they are driven in their competitive struggle with each other to seek advantage in other ways. We arrive, therefore, at the unexpected result that the enforcement of definite minimum conditions of employment, as compared with a state of absolute freedom to the employer to do as he likes, positively stimulates the invention and adoption of new processes of manufacture. This is no new paradox, but has been repeatedly remarked by the opponents of trade unionism. Thus Babbage, in 1832, described in detail how the invention and adoption of new methods of forging and welding gun-barrels was directly caused by the combined insistence on better conditions of employment by all the workmen engaged in the old process. (Page 10.)

. . . Coming down to our own day, I have myself had the experience of being conducted over a huge steel works in Scotland by the late Sir Charles Tennant, one of the ablest and most successful of our captains of industry, and being shown one improvement after another which had been devised and adopted expressly be-

cause the workmen engaged at the old processes had, through their powerful trade union, enforced a definite minimum standard wage. (Pages 11-12.)

The enforcement of the Common Rule on all establishments concentrates the pressure of competition on the brains of the employers, and keeps them always on the stretch. "Mankind," says Emerson, "is as lazy as it dares to be," and so long as an employer can meet the pressure of the wholesale trader, or of foreign competition by nibbling at wages, or "cribbing time," he is not likely to undertake the "intolerable toil of thought" that would be required to discover a genuine improvement in the productive process, or even, as Babbage candidly admits, to introduce improvements that have already been invented. Hence the mere existence of a legal minimum wage, by debarring the hard-pressed employer from the most obvious form of relief—one which is of no advantage to the community—positively drives him to other means of lowering the costs of production, which almost inevitably take the form of increasing productivity. (Page 12.)

The Evolution of Modern Capitalism: A Study of Machine Production. JOHN A. HOBSON. *Scribner, New York, 1913.*

There exists a large amount of testimony, both of business men and of economists, in support of the favourable effect of the higher standard of comfort enjoyed by American workmen upon the output of labour. European workmen who have gone to work in the United States commonly admit that they give out a much larger amount of working energy. How far this is susceptible of physiological explanation, the better food converted into more work, may perhaps be questioned. Probably psychical factors play at least as important a part. The recognition of a career open to every talent, or at least a fair opportunity of distinct and appreciable improvement in the standard of comfort, has been a stimulus operative among all sections of American workmen, though recent conditions of the low-skilled labour market

have diminished its effectiveness. The increase of the population of negroes and foreign immigrants, forming an unskilled class of labour kept in its place by a reduced demand for skilled labour relative to the supply, seems likely to reduce the energy of the American "stroke" to the level of the European. If, in addition to this, the real wage of unskilled labour falls, as it has in fact done since 1897, one great source of American industrial progress is perceptibly weakened. (Page 363.)

The Case for the National Minimum. Printed for the National Committee for the Prevention of Destitution. London, 1913.

The verdict of the Economists is equally clear and emphatic. "Cheap labor" they no longer regard as a blessing, but rather as a curse to an industrial community. Low wages mean low efficiency and low consuming power. The recognized economic advantages of maintaining a high standard wage are:

1. That it increases the efficiency of the workers by giving them a higher standard of living; and

2. That by preventing economies in wages it forces the competitive struggle on to a higher plane, the plane of efficiency.

. . . High wages, by leading to improved machinery and more efficient organization, are in the long run the truest form of economy. (Page 4.)

Der Mindestlohn. (*The Minimum Wage.*) D. Pesl, *Member of the Bar of the Supreme Court. Duncker & Humblot, Munich, 1914.*

In many industries, which pay high wages, the manufacturers are compelled to employ a better work system, especially better machines. They need, furthermore, specially capable workers to tend the best and finest machines and only specially capable workers are able to make such machinery. It is but natural that the employer proceeds to select better workers and then to pay, and

be able to pay, better wages, for the better product assures him not only his former profit but usually a higher one. In countries with low wages no progress is possible. Métin, during his travels in the East, frequently saw machinery standing still in the factories, because the workers did not come on time; not seldom he found defective machinery, because no native worker was able to repair it; capable and skilled workers were lacking; in Mexico the engineers complained to him that the wages of the workers were too low, and consequently there was no progress. (Page 320.)

(b) ON THE PART OF THE WORKERS.

High wages stimulate both the physical and mental efficiency of the workers. Health is improved through the better food, clothing and higher standards of living which result from increased earnings. Improved physical condition reacts favorably upon earning capacity and good-will, and leads to superior output.

The Establishment of Minimum Rates in the Tailoring Industry Under the Trade Boards Act of 1909. R. H. TAWNEY. *The Ratan Tata Foundation, (University of London). Bell, London, 1915.*

The low weekly earnings result not only in psychological, but in physical characteristics, not only in mental inertia, but in actual physical debility. Of course, it is not possible to reduce the difference between well-nourished and ill-nourished workers to a statistical shape, or to prove by figures that high wages are the *cause* of the energy of one group, and low wages the *cause* of the lack of energy of the other. But consider for a moment these two budgets. The first is that of a cotton weaver; the second is that of a tailoring machinist.

COTTON WEAVER.*

Income.

	Total for 52 weeks			Average per week		
	£	s.	d.	£	s.	d.
Wages	75	2	0½	1	8	10¼

Expenditure.

	Total for 52 weeks			Average per week	
	£	s.	d.	s.	d.
Board and lodging	35	10	8	13	8
Extra food	0	16	5½	0	3¾
Fares (excluding holidays and picnics)	0	6	1½	0	1½
Dress	8	10	6½	3	3¼
Expenses of illness	1	16	10½	0	8½
Holidays and picnics (including fares)	5	14	4	2	2½
Amusements	1	13	2½	0	7¼
Educational, political and propagandist	1	3	10	0	5½
Books and papers	1	2	4	0	5¼
Stamps and stationery	0	4	1	0	1
Presents and collections	2	1	6½	0	9½
Trade Union	0	17	4	0	4
Miscellaneous	1	0	2½	0	4½
Total	60	17	6½	23	5

* Board of Trade's Report on Expenditure of Wage-earning Women and Girls. (Cd. 5963 of 1911, pp. 10, 15.)

TAILORING MACHINIST.

Income.

	Total for 52 weeks			Average per week	
	£	s.	d.	s.	d.
Wages	27	0	1½	10	4¾
Sick club allowance	0	7	11½	0	1¾
Co-operative dividend	0	4	0	0	1
Total	27	12	1	10	7½

Expenditure.

	Total for 52 weeks £	s.	d.	Average per week s.	d.
Board and lodging	15	0	0	5	9¼
Extra food	0	4	3	0	1
Fares (excluding holidays and picnics)	0	2	6	0	0½
Dress	5	15	1¼	2	2½
Sick insurance	1	4	6	0	5¾
Holidays and picnics (including fares)	0	4	4	0	1
Amusements	0	3	8½	0	0¾
Educational, political and propagandist					
Books and papers	0	1	5	0	0¼
Stamps and stationery	0	1	7½	0	0½
Presents and collections	1	8	4½	0	6½
Trade Union					
Miscellaneous	0	8	4¼	0	2
Total	24	14	2	9	6

The reader will realise the significance of the comparison without any lengthy comment by us. The weaver spends on board and lodging more than twice as much as the tailoress, on extra food nearly four times as much, on dress half as much again. Clearly the former has a far fuller supply of the necessaries of life than the latter. But no human being can live on necessaries alone. Expenditure on "holidays and picnics," "amusements," "books and papers" is not a luxury: it is a necessary, if by "necessary" one means an indispensable condition not of animal existence, but of an intelligent life and energetic work. And, compared with the weaver, the tailoress spends on such things next to nothing at all—1d. a week on "holidays and picnics" against the weaver's 2s. 2½d., ¾d. a week on "amusements" against the weaver's 7¾d., ¼d. instead of the weaver's 5¼d. on "books and papers," and nothing at all on a Trade Union, to which the weaver pays 4d. Is not the report from which these figures are taken only too correct, when it speaks of "the deficiency in the supply of food, clothing

and bright surroundings necessitated by low wages, and the resulting *inefficiency* of the workers?"* Is it not reasonable to conclude that the low standard of living which is alleged as the explanation of low earnings is itself often the product of the low earnings which it is used to explain, and that an increase in earnings caused by an increase in piece-rates will in turn result in greater efficiency on the part of the worker?

The Establishment of Legal Minimum Rates in the Box-making Industry under the Trade Boards Act of 1909. The Ratan Tata Foundation (University of London). M. E. BULKLEY. *With introduction by* R. H. TAWNEY. *Bell, London, 1915.*

An increased wage bill does not necessarily mean an increase in the cost of production. As was shown in the case of the tailoring industry, it may lead to economies and better methods of organisation on the part of the employer and to increased efficiency on the part of the worker. As to the latter point employers often argue that girls do not want to earn more than a certain amount. If they have a few shillings for themselves after they have paid their parents for their board and lodging (a customary payment which seems to bear little relation to the actual cost of living), they are perfectly content. In some cases this appears to be true; continued underpayment has led the girls to acquiesce in a low standard. "The girls here," said a worker in a provincial town, "are perfectly content with 13s. They practically all live at home and pay their mothers 7s. or 8s. I do not trouble to earn more than the minimum myself." On the other hand, employers have told us that the prospect of a higher wage does lead the girls to put forth greater energy. "The output per machine has increased," said one employer, "because the girls work better; there is more inducement now, owing to the increased wage." "The cost has not increased as much as we expected," said another, "those who are paid a larger wage earn it, and the output is greater." "If

* Cd. 5963 of 1911, p. 5.

the workers are paid more they respond and put forth more effort." "Low wages mean ill-nourished bodies, ill-nourished minds and an ill-nourished way of looking at things, and that reacts on the work. Higher wages certainly mean higher mental capacity, more care and intelligence." "Well-paid workers value their job; the badly-paid worker does not care." (Pages 50-51.)

The Effect of Minimum Wage Legislation Upon British Industry. B. SEEBOHM ROWNTREE, (*Director in the Firm of Rowntree & Co. Ltd., Manufacturers of Cocoa*). *Financial Review of Reviews, London, July, 1914.*

Although I am not here dealing with the wages of agricultural labourers, I may perhaps be permitted in support of this contention to point to the great difference in respect of efficiency between the ill-paid labourers of Oxfordshire or Dorsetshire and the better-paid labourers of Derbyshire and Yorkshire. A farmer who has farmed in Oxfordshire and Yorkshire, paying wages of 12s. a week in the former county and 18s. to 20s. in the latter, informed me recently that he did not think that his labour cost him any more in Yorkshire than in Oxfordshire, as the better paid men were so much more efficient. That this is not due to racial differences is proved by the fact that labourers imported into Yorkshire from Oxfordshire and paid the higher wage, after a time become as efficient as Yorkshiremen, although at first they cannot get through anything like the same amount of work. I recently came across evidence of a similar kind in Belgium, when I was investigating the very low wages which obtain there. I found that the output of work per man is low in Belgium, but that when the workers emigrate to the countries where wages are higher and the average output is greater, they very soon increase their output. Nor must the mental effect of low wages on the worker be overlooked. A man who feels he is underpaid does not work with a will. "I work all I'm paid for," was the reply recently given by a low paid worker to his foreman, who was urging him to greater activity. And this

is not merely the case among day workers, but, though perhaps less markedly, among those working on piece. The normal worker is probably like a girl in a factory in the Southwest of England, who in reply to a question said: "When we are on bad work (low piece rates) we do not trouble very much; we work hard and do not get much for it, but when some good work comes along then we wire in." (Pages 778-779.)

Another argument which is frequently advanced is that in many processes the output of work is regulated absolutely by the speed of machinery and cannot be controlled by the machine tenders. To a theorist this statement may sound conclusive, but men of practical knowledge will probably agree that the output of goods varies considerably with the vigour, alertness, and intelligence of the machine tender. An interesting illustration of this came under my own observation some years ago. In a certain room where the whole of the work was being done by machinery the workers who previously had been paid by day were put on piece work, with the result that the output of the machines increased by about 30 per cent. A few weeks after this the hours worked per week were reduced from 53 to 48. The manager of the department stated that he was sure that, in view of the large increase in output which had already been brought about, the men were getting out of the machines as much as they could produce, and that unless wages were to fall an increase in piece rate must be made. It was decided, however, to watch wages for a week or two and see whether this really was necessary. Greatly to the surprise of the departmental manager the wages earned on piece rate did not diminish at all as a result of the reduction in hours. The men were sharper at starting work when the bell rang and more alert in utilising every moment of the day, in seeing to it that machines were never running half empty, and that necessary adjustments were promptly made. Similar illustrations could be multiplied indefinitely.

We must never forget that an underfed labourer *cannot do full work*, however willing he may be. Energy is derived from food, and no more foot-pounds of it can be

got out of a man than are contained in the nutriment he consumes. This must not be understood as meaning that the worker is comparable to a machine and that the mere provision of more adequate food will automatically and necessarily result in increased output; the point I wish to emphasize here is that the provision of adequate nutriment is an essential preliminary to the exercise of full energy.* (Pages 779-780.)

Is the Minimum Wage a Menace to Industry? N. I. Stone, *Chief Statistician, Wage Scale Board of the Waist and Dress Industry of New York. The Survey, February 6, 1915.*

But not alone does the management experience the quickening effect of higher wages. Greater personal efficiency of the worker, manifested by an increased capacity for productive exertion, even without more efficient methods of production, is another inevitable consequence. The experience of the paper mill industry upon the substitution of the eight-hour for the twelve-hour labor day for its skilled workers, cited above, is but one instance of what has been practically the universal experience in industry. An increase of wages acts as an added stimulus, especially where the old wages are inadequate to furnish the worker with nourishing food, without which he lacks the necessary energy.

This is even more the case with underpaid women, who, upon returning to what they call home, after a hard day's work, usually spend hours which ought to be given to rest or recreation, in washing or mending their clothes, preparing their own dinner, and similar tasks, from which even the most poorly paid men are usually free. Add to this the inevitable worry, poor health due to lack of nourishing food, insufficient rest, and inability to give proper care to health, and you have a choice combination

* How soon increased vigour might be expected to result from improved nutrition is a question of some importance. The physiological results would follow quickly in the case of men who were not too old, but there are questions of habit and custom which have to be considered. How soon a *habit* of slow work can be changed depends on many circumstances, and largely on the inducements which are offered to the workers.

of conditions for reducing the efficiency of a woman worker to a minimum. A living wage is bound to bring about so great an improvement in their condition as to result in a marked increase of efficiency. (Page 513-14.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. I. Appendix III. Minimum Wage Symposium.

Statement of John A. Ryan, Professor of Economics, St. Paul Seminary; Author of "The Living Wage."

Experience has abundantly shown that the lowest paid labor is not always the cheapest. In many occupations the laborer who receives a wage sufficient to maintain him in normal physical vigor and moral spirits is more profitable to his employer than the laborer whose meagre wages force him to do without the things that are necessary for normal efficiency. It is certain that many of the factory and department store girls who are now under-nourished and under-supplied with other necessaries of life would, if they were paid living wages, make up the difference to their employer in working efficiency. It is not maintained that all workers whose pay was raised by a minimum wage law would increase their efficiency to this extent: but some of them would, and practically all of them would add somewhat to their working out-put. Hence a great part of the higher wage outlay would be provided by the workers themselves. (Pages 638-39.)

Statement of Edward T. Devine, Director of the N. Y. School of Philanthropy; Professor of Social Economy, Columbia University.

It would, I think, often be found—and experience in England and elsewhere supports this view—that the higher wage required by a minimum wage law could be paid without actual loss to employer or consumer, the explanation of this apparent paradox being simply that the worker with better nourishment or a higher standard in other respects will do more efficient work, producing more goods or a better quality of goods for which pur-

chasers can well afford to pay the difference. It could not of course be laid down that an indefinite increase of this kind is possible, but it may well be that the entire difference between the low wages now paid in some industries and the amount which would be necessary to maintain health and decent comfort could thus be made up with actual advantage to everybody affected by the change. (Pages 697-98.)

Massachusetts and the Minimum Wage. H. La Rue Brown, *Chairman, Massachusetts Minimum Wage Commission. American Academy of Political and Social Science. Annals, Vol. 48, July, 1913.*

. . . It is first to be observed that there is nothing which makes for inefficiency like hunger, worry and discontent. As a rule you can be sure that the underpaid girl is hungry, that she is a victim of nearly continual worry, that she is overworked because she is trying to do her own cooking and washing as well as her work in the shop and that she is not getting the food and the care to keep her in condition to do good work even if her mental attitude could be such as to inspire it. No man can say how many of the girls now said to be inefficient and "not worth" the miserable wages paid would not be worth a higher wage if they were paid it. Service like many other things is apt to be worth about what it costs. If this sort of service were paid for under conditions which made for efficiency, it is very likely that the service would become efficient in proportion. (Page 18.)

Work and Wages. Sir Thomas Brassey. *Putnam, New York, 1883.*

With proper supervision, and with an equitable scheme of prices for piece work, the best paid workman does more work for a given sum of money than the underpaid and therefore underfed laborer can by any possibility accomplish. The cost of labor, rightly observes Mr. Fawcett, "is determined by the amount of work which is really done for the wages. Many of our laborers can

barely obtain the necessaries of life; and we can all appreciate the false economy that would be practiced, if a horse was so much stinted of food that he could only do half as much work as he would be able to perform if he were properly fed." (Page 74.)

Six Centuries of Work and Wages. The History of English Labor. JAMES E. THOROLD ROGERS, M. P. *Putnam, New York, 1884.*

Had economists worked out the most important part of their science, that which deals with the distribution of wealth, instead of merely busying themselves with hypothetical theories about rent, profits, and population, they would have inculcated every one of those legislative acts which have seemed to control the production and distribution of wealth, but in reality have assisted the former, and have made the latter more natural, and therefore more equitable. I think that my contention, which I see quoted by Mr. Goschen, could be exhaustively proved, that every act of the legislature which seems to interfere with the doctrine of *laissez-faire*, and has stood the test of experience, has been endorsed because it has added to the general efficiency of labour and, therefore, to the general well-being of society. (Pages 527-528.)

The Wealth of Nations. ADAM SMITH. *Edited by* EDWIN CANNON. *Putnam, New York, 1904.*

No society can surely be flourishing and happy, of which the far greater part of the members are poor and miserable. It is but equity, besides, that they who feed, clothe and lodge the whole body of the people, should have such a share of the produce of their own labor as to be themselves tolerably well fed, clothed and lodged. (Page 80.)

The wages of labor are the encouragement of industry which, like every other human quality, improves in proportion to the encouragement it receives. A plentiful subsistence increases the bodily strength of the laborer, and the comfortable hope of bettering his condition, and of ending his days perhaps in ease and plenty,

animates him to exert that strength to the utmost. Where wages are high, accordingly, we shall always find the workman more active, diligent, and expeditious, than where they are low; in England, for example, than in Scotland; in the neighborhood of great towns, than in remote country places. (Page 83.)

Sweated Industry and the Minimum Wage. CLEMENTINA BLACK. *Duckworth & Co., London, 1907.*

The whole teaching of modern industry is that cheap labor is dear labor, and that it is as important for successful competition to have a well equipped human instrument as to have well equipped machinery. (Page XIX.)

The cotton trade has had enormous success not because labor is cheap but because labor is dear—and good; because the human machine being kept at the highest point of perfection is the most productive instrument of its kind in the world. It has succeeded, above all, because the standard wage has removed the competition of low-class, sweated labor, which is not only iniquitous in itself, but which has the effect of depreciating the whole currency of industry. (Page XX.)

Wherever sweating has been eliminated by the regulation of wages, the health of the trade is established. (Page XXI.)

. . . The facts of industrial history proclaim the truth that efficiency is not the cause but the product of fair wages, healthy surroundings and reasonable leisure. (Pages 226-227.)

. . . That nation becomes wealthiest which pays its workers best. Health, skill, intelligence: these are the true bulwarks of national prosperity; and the price of these is liberal payment for labor. (Page 269.)

The Industrial System: An Inquiry into Earned and Unearned Income. J. A. HOBSON. *Scribner, New York, 1910.*

Man is not a mere automaton who will work if food is put into him: he is a human being operated by "mo-

tives." The payment he receives for work must, therefore, suffice not only to replenish his physical output and to restore his bodily waste, it must stimulate his will. Under some conditions this "motive" does not involve any more payment than suffices for physical subsistence; a great deal of routine work of peasants and other labourers has always gone on upon a basis in which conscious motive involves no higher pay than a physical subsistence; or else, as in slave and serf labour, fear of punishment or some other sort of negative payment has furnished the conscious "stimulus". But when we come to civilised industrial communities, where the workers have some sense of personal dignity, and perhaps some alternative to wage labour, most of them will be apt to demand a rate of pay which may be termed the moral subsistence wage, that will be somewhat above the physical subsistence level. This payment, though not necessarily identical with the whole "standard of comfort", approximates to it, and at any given time must be regarded as comprising part of the wear and tear or subsistence wage. (Pages 62-63.)

If more work is to be got out of the existing supply of workers, the greater drain upon the muscular and nervous system involves a higher rate of pay, while the increase of painful effort reinforces the demand through the operation of the human will. Though fear of dismissal and other non-wage inducements may sometimes be efficacious in evoking more productive energy, it is normally the case that men will not work harder except for a higher rate. (Page 65.)

(3) Benefits to General Standards of Living.

With an increase in wages, the standard of living rises. Not only does the amount of income spent upon food increase but the standards of housing, clothing, and recreation are found to rise also.

The Labour Year Book, 1916. Co-operative Printing Society, Ltd., London.

As to the operations of the several Boards it is possible here to speak only in brief. The reader may be referred for fuller information to the series of monographs on the minimum wage edited by Mr. R. H. Tawney for the Ratan Tata Foundation, the first of which describes the complete success attained by the Board in the chainmaking industry.

The success is many-sided.

Perhaps the most interesting testimony adduced by Mr. Tawney is as to the reaction of the Trade Board on the social life of the chainmakers. In his book shopkeepers testify to the improvement in the purchasing power of the workers; teachers to the better feeding and clothing of the children; clergymen and other residents to the alteration, clearly discernible in the rising standard of manners and comfort in the locality.

The happiest outcome of all is in the heightened spirit of the district, which has found expression in an encouraging growth of Trade Unionism among men and women not only in the chainmaking trade, but in other trades adjacent to it, of which the hollowware and brick trades are the chief. (Pages 216-17.)

The Labor Movement and the Future of British Industry. The Round Table, London, June, 1916.

The British working class is divided, and somewhat sharply divided, into two sections. Out of some 15,000,000 manual workers, male and female, 4,000,000 are organised into Trade Unions, and the remaining 11,000,000 are unorganised. (Page 459.)

It is this miscellaneous, unorganised working-class

population, in town and country, both in the army and at home, which has been most affected in its ideas and demands by the war. These are the men and women who form the material of Mr. Rowntree's and Professor Bowley's appalling statistics of "primary poverty"; these are the "12,000,000 always on the verge of starvation," of whom Sir Henry Campbell-Bannerman used to remind us. The lower stratum of this section of the population presents, or presented before the war, a spectacle of helplessness and wretchedness unique in the industrial life of the modern world. They are the wreckage of five generations of the modern industrial system. (Pages 459-460.)

. . . To this section of the population the war is the beginning of a new life. It has broken the crust of immemorial custom. It has given them what they lacked before: a horizon. It has brought comparative plenty in many cases where before there was perpetual want. It has brought health where before there was perpetual lassitude. It has brought hope where before there was dull despair. For such as these there can be no relapse into the old morass. It remains for the State by deliberate action to fortify this new sense of hopefulness and self-respect. A bold extension of the Trade Boards Act to large new classes of workers both in town and country, coupled with the assertion, on Australian lines, of the principle of the living wage, would seem to be one natural way of coping with this inevitably pressing problem. (P. 461.)

A New Province for Law and Order: Industrial Peace Through Minimum Wage and Arbitration. Henry Bournes Higgins, *High Court of Australia, Melbourne.* [*President since 1907 of the Court of Conciliation and Arbitration.*] *The Harvard Law Review, November, 1915.*

The first task that I had to face was not, strictly speaking, conciliation or arbitration. The Federal Parliament imposed certain excise duties on agricultural implements manufactured, but it provided for the remis-

sion of the duties in the case of goods manufactured under conditions, as to the remuneration of labour, which the President of the Court should certify to be "fair and reasonable."* The Act gave no guidance as to the model or criterion by which fairness and reasonableness were to be determined. In dealing with the first employer who applied to me for a certificate, I came to the conclusion that the Act was designed for the benefit of employees, and that it was meant to secure for them something which they could not get by individual bargaining with their employers. If A let B have the use of his horse on the terms that B give the horse fair and reasonable treatment, B would have to give the horse proper food and water, shelter and rest. I decided therefore to adopt a standard based on "the normal needs of the average employee, regarded as a human being living in a civilized community." This was to be the primary test in ascertaining the minimum wage that would be treated as "fair and reasonable" in the case of unskilled labourers. At my suggestion, many household budgets were stated in evidence, principally by housekeeping women of the labouring class; and, after selecting such of the budgets as were suitable for working out an average, I found that in Melbourne, the city concerned, the average necessary expenditure in 1907 on rent, food and fuel, in a labourer's household of about five persons, was £1.12s. 5d. (about $7.80, taking a dollar as equivalent to 4s. 2d.); but that, as these figures did not cover light, clothes, boots, furniture, utensils, rates, life insurance, savings, accident or benefit societies, loss of employment, union pay, books and newspapers, tram or train fares, sewing machine, mangle, school requisites, amusements and holidays, liquors, tobacco, sickness or death, religion or charity, I could not certify that any wages less than 42s. per week for an unskilled labourer would be fair and reasonable. Then, in finding the wages which should be treated as fair and reasonable in the cases of the skilled employees, I relied mainly on the existing ratios found in the practice of employers. If, for instance, the sheet-iron worker

* Excise Tariff 1906.

got 8s. per day when the labourer got 6s., the sheet-iron worker should get, at the least, 9s. when the labourer's minimum was raised to 7s. (Pages 14-15.)

The principle of the living wage has been applied to women, but with a difference, as women are not usually legally responsible for the maintenance of a family. A woman's minimum is based on the average cost of her own living to one who supports herself by her own exertions. A woman or girl with a comfortable home cannot be left to underbid in wages other women or girls who are less fortunate. (Page 20.)

Yet, though the functions of the Court are definite and limited, there is opened up for idealists a very wide horizon, with perhaps, something of the glow of a sunrise. Men accept the doom, the blessing of work; they do not dispute the necessity of the struggle with Nature for existence. They are willing enough to work, but even good work does not necessarily ensure a proper human subsistence, and when they protest against this condition of things they are told that their aims are too "materialistic". Give them relief from their materialistic anxiety; give them reasonable certainty that their essential material needs will be met by honest work, and you release infinite stores of human energy for higher efforts, for nobler ideals, when "Body gets its sop, and holds its noise, and leaves soul free a little." (Page 39.)

Ex Parte McKay, 2 Commonwealth Arbitration Reports, 1, 3.

Mr. Justice Higgins:

The provision for fair and reasonable remuneration is obviously designed for the benefit of the employees in the industry; and it must be meant to secure to them something which they cannot get by the ordinary system of individual bargaining with employers. If Parliament meant that the conditions shall be such as they can get by individual bargaining—if it meant that those conditions are to be fair and reasonable, which employees will accept and employers will give, in contracts of service—

there would have been no need for this provision. The remuneration could safely have been left to the usual, but unequal, contest, the "higgling of the market" for labour, with the pressure for bread on one side, and the pressure for profits on the other. The standard of "fair and reasonable" must, therefore, be something else; and I cannot think of any other standard appropriate than the normal needs of the average employee, regarded as a human being living in a civilized community. I have invited counsel and all concerned to suggest any other standard; and they have been unable to do so. If, instead of individual bargaining, one can conceive of a collective agreement—an agreement between all the employers in a given trade on the one side, and all the employees on the other—it seems to me that the framers of the agreement would have to take, as the first and dominant factor, the cost of living as a civilized being. If A lets B have the use of his horses, on the terms that he give them fair and reasonable treatment, I have no doubt that it is B's duty to give them proper food and water, and such shelter and rest as they need; and, as wages are the means of obtaining commodities, surely the State, in stipulating for fair and reasonable remuneration for the employees, means that the wages shall be sufficient to provide these things, and clothing, and a condition of frugal comfort estimated by current human standards. This, then, is the primary test, the test which I shall apply in ascertaining the minimum wage that can be treated as "fair and reasonable" in the case of unskilled labourers. Those who have acquired a skilled handicraft have to be paid more than the unskilled labourer's minimum; and in ascertaining how much more, in the case of each of the numerous trades concerned in the factory, I have been invited to make myself expert in a large number of technical details, and familiar with the mysteries of many mechanical appliances. Fortunately, I can find guidance more satisfactory than could be afforded by mere inspection of the processes and machinery in the factory, or even by the evidence of differing experts in the several trades.

Women and the Trades. ELIZABETH B. BUTLER. *The Pittsburgh Survey. Russell Sage Foundation Publication, New York, 1909.*

Moreover, the community cannot afford to deny any of its members reasonable recreation. Industrial success is of small value, if the contributors to that success lead lives void of spiritual meaning or spiritual impression. Among those girls who have sufficient imagination to grasp what is denied them, there is sure to be reaction, perhaps ill-health, perhaps indecency, to the cost in either case of the whole community. Recreation, richness of life in leisure hours, is equally a source of decency and of health. (Pages 349-50.)

The Living Wage of Women Workers. A Study of Incomes and Expenditures of 450 Women Workers in the City of Boston. LOUISE M. BOSWORTH, *Fellow, Women's Educational and Industrial Union. Longmans, Green & Co., New York, 1911.*

The wage groups are five in number, namely: (1) $3 to $5 per week; (2) $6 to $8 per week; (3) $9 to $11 per week; (4) $12 to $14 per week; (5) $15 and over per week. . . .

The expenditures of the $9 to $11 wage group may be taken as representing the minimum living wage. This class stands midway in the wage scale and represents roughly the average of all women workers covered by the investigation. It appears, moreover, that the average income and the average expenditures of this class approximately balance each other, whereas in the two classes standing lower in the scale there is a deficit of income below expenditures, and in the two classes standing higher in the scale a surplus of income over expenditures according to the tabulated returns. This fact indicates that the income first becomes adequate to meet expenditures when this wage group is reached.

There are also other indications that the expenditures of this class represent a fair minimum standard of decency and comfort. (Page 9.)

. . . Between the $3 to $5 group and the next higher division there is a large increase in food expenditure. The difference between the $6 to $8 group and the next higher is less marked. It thus appears that the increase of income up to $8 is used to provide a better dietary. The slighter increase, both in regular board and in extra food, between this and the next higher division would seem to indicate that the most pressing needs in these directions are met at about a $9 wage. (Page 46.)

The classification of health expenditures by wage groups shows: First, a marked increase in amount up to the $9 to $12 group; second, a practically stationary expenditure for the next group, of $12 to $14 workers; and third, a great decrease for the highest group, of $15 and over. This showing indicates that insufficient wages do not permit of essential medical treatment, and that high wages tend to diminish the need of such treatment. The percentage of the income spent for the maintenance of health steadily decreases with the increase of wages, from 5.80 to 1.89, showing the gradual lessening of this burden with the expansion of earnings. (Page 77.)

The Prevention of Destitution. Sidney and Beatrice Webb. *Longmans, Green & Co., London, 1911.*

If we were suddenly, without due preparation, to raise the wages of all the sweated workers to something permitting even a minimum standard of civilized life, we should not, it is true, thereby put any new charge upon the taxpayer, but we might, in the case of many articles, raise the cost of production to the employer and the price to the consumer. But all the experience of the past, as every contractor knows, proves that a gradual and moderate increase in wages, step by step, up to the point of full subsistence, creates such a rise in productive efficiency that it actually decreases the cost of production, and lowers prices. (Page 327.)

Any net increase thus occasioned in our total collective expenditure on the poor will, we believe, be more than made good by the all-around increase in the productivity of the manual working-class that would accom-

pany their better health, their more regular conduct, their greater technical skill and the prolongation of their average working life. This is, at any rate, the counsel of the political economist, as it is that of those practical men of affairs who have watched the results of pure food, discipline and education in different countries, at different periods, on different classes and races. (Page 328.)

The Establishment of Minimum Rates in the Chain-Making Industry Under the Trade Boards Act of 1909. R. H. Tawney. *The Ratan Tata Foundation, (University of London). Bell, London, 1914.*

Is this considerable increase in income traceable in any improvement in the social conditions of the district? In many towns the industries are too various to allow the consequences of prosperity in any one of them to be easily distinguished. In Cradley Heath, which lives by making chains, the effect of the minimum rates is visible to the eye of sense. The Trade Board has, in fact, forced itself on the notice of classes of people other than workers and employers through the influence it has had upon the general life of the town. The first consequence of the establishment of minimum rates of payment was that the workers, having more to spend, spent more on food and clothes. According to shopkeepers, the effect of the Board of Trade's order, making the new piece rates obligatory, was to produce an immediate increase in their sales, which has continued during the subsequent period of good trade, and which has caused empty shops to be let and new shops to be opened. The second consequence was an improvement in the appearance both of the workers themselves and—a significant point—of their children. On this matter, about which no outsider can venture an opinion, the testimony of residents in the locality is decisive. "It is astonishing what a difference the rise in prices (*i. e.* piece rates) has made. The workers turn up earlier to work. They take more pride in themselves, and show more care in their work." "The appearance of the women at Trade Union meetings is different from what it was formerly." "The workers keep up a bet-

ter appearance. There is a difference in their standard of living. Trades people take more money now than they used to do before the rates came into force." "We who live among the workers see the enormous difference which the Trade Board rates have made in their clothes, appearance and cleanliness. But it will take a generation to make much improvement in the lowest class of all." "The appearance of the children at school is much better; they are better fed, better clothed and better shod. When the women get more money, you may be sure it is spent on the children." Evidence such as this from employers, trade union officials and teachers, shows that even the short time which has elapsed since the rates came into operation has been long enough to allow of a distinct rise taking place in the workers' standard of life. (Pages 99-101.)

And not only immediate expenditure but savings have increased. In the words of the superintendent of a large industrial insurance company: "In 1910 the women workers promised to pay up when the rates were fixed, and they did so. The rates have had a steadying effect on insurance, and since 1910 arrears, which are the most sensitive barometer of prosperity, have been less. Since the burden of industrial insurance falls chiefly on the women, the higher rates cannot fail to have made it easier for them." (Page 101.)

The evidence cited in the preceding sections shows that the Chain Trade Board has been successful in its primary object of raising the standard of life of the worst paid sections of workers in the chain-making industry. Their incomes have risen considerably, though they are still deplorably low, and the increase in their incomes has resulted, according to the testimony of all observers, in improved nourishment, clothing and capacity for self-protection. (Page 104.)

III. BENEFITS OF THE LEGAL MINIMUM WAGE.

(1) Relation to Profits and Commercial Prosperity.

(a) general.

The operation of the legal minimum wage has not destroyed profits nor the commercial development of the countries in which it has been established. On the contrary, the number of factories and workers and the other well-known indices of commercial prosperity have steadily mounted.

This result follows necessarily from the facts previously set forth, showing that greater efficiency on the part of both employers and employees springs from the payment of increased wages and that hence high wages accompany low cost of production.

Experience proves in both England and Australasia that while a small number of inefficient employers may suffer, who have relied for their profits upon cutting wages to the lowest possible point, the establishment of minimum rates has not injured any trade nor checked its development. In England, for instance, since minimum wages have been fixed in the tailoring trade, exports to South Africa, the largest foreign market for English clothing, have steadily increased.

For Working Women in Oregon. Caroline J. Gleason, (*Former Secretary, Industrial Welfare Commission of the State of Oregon*). *The Survey, September 9, 1916.*

One evil result prophesied of wage legislation was that it would force industry out of the state but no authentic instance of such a result has been produced. What is more, manufacturers seem to resent suggestions of this kind. E. G. Campbell, manager of Libby, McNeill

and Libby's fruit cannery in Oregon, protested to a leading paper against a news item stating that the activity of the Industrial Welfare Commission had closed that company's cannery for the 1916 season.

Further illustrations of the fact that wage legislation does not discourage industry in Oregon are available. The World Everfresh Company, with its principal plant at Ogden, Utah, published notice in March, 1916, of its intention to double the capacity of its Oregon factory. The Oregon Packing Company, a branch of the California Fruit Canners' Association, has been frequently quoted as a firm which moved from Portland, Ore., to Vancouver, Wash., in the spring of 1916 because of Oregon's wage and hour laws. That this removal could scarcely be due to the wage law would seem obvious since an evening paper on June 15, 1916, recorded the purchase by the same company of another cannery in eastern Oregon.

Perhaps one of the most interesting "removals" has been that of the Long Fruit Products Company of California, which moved to Oregon this year. Oregon was selected in spite of the fact that the company was given an opportunity to buy the cannery now owned by the Oregon Packing Company in Vancouver, Wash., a locality which has no hour regulation whatever for women workers in canneries. Furthermore the Fruit Products Company came from a state which had had no hour or wage regulation and where the hour limitations for cannery workers, which became effective in 1916, still exceed those of Oregon. (Pages 585-586.)

The Establishment of Minimum Rates in the Tailoring Industry Under the Trade Boards Act of 1909. R. H. Tawney. *The Ratan Tata Foundation, (University of London). Bell, London, 1915.*

The tailoring industry is by far the largest single trade that has, as yet, been brought within the scope of the Trade Boards Act of 1909, and employed in 1911, in Great Britain 279,872 persons, of whom 140,919 were

men and 138,953 were women.* According to the Census of Production, the total gross value of the products usually classed as tailoring ("Men's and boys' suits or parts thereof") was in 1907 about £25,000,000; the net value (*i. e.* the value when the cost of materials and payments made to other firms for work given out to them are deducted) may possibly have been between £11,000,000 and £12,000,000.† The export trade in clothing is important, and has grown rapidly in the last fifteen years. In 1913 goods to the value of £8,645,726 were sent abroad, incomparably the largest market being South Africa, to which clothing to the value of £3,280,114 was exported‡ in that year. (Pages 1-2.)

The total number of women engaged in the tailoring trade was, in 1911, 138,953. If, as is probable, homeworkers form about the same proportion of these as they did of the workers about whom particulars were obtained by the Board of Trade in 1907, then the total number of women homeworkers in Great Britain is 14,242. This figure is, however, probably an underestimate, as a large number of the firms employing homeworkers, which are often small and unimportant, are likely to have made no return in 1907. The actual total is probably between 15,000 and 22,000. The total number of persons coming within the sphere of the Trade Board's determinations would thus be approximately 145,000. (Pages 12-13.)

But, it is often argued, if prices do not rise when a considerable advance in wages takes place, the effect must be to drive out of existence the firms on the margin which are only just paying their way. Either the articles affected will not be produced, or they will be produced in countries where low wage rates obtain, or they will be produced in this country, but by some other firm which for one reason or another can afford to pay higher wages. . . .

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* Census of England and Wales, 1911, vol. x, pt. ii, p. 6; *ibid.* of Scotland, vol. ii, pp. 290, 291.

† Census of Production (1907), pp. 415-416.

‡ Annual Statement of Foreign Trade for 1913, vol. i, pp. 266-269; *ibid.* for 1881, p. 80; *ibid.* for 1891, p. 117; *ibid.* for 1901, vol. i, p. 354. The figures for 1881, 1891 and 1901 include waterproofed apparel, as this was not separately enumerated in those years.

That a certain number of firms which have hitherto held their own by cutting wages to the lowest point possible will in time disappear is probable in itself, and is suggested by some of the evidence which has come before us. (Pages 101-102.)

Evidence such as this suggests that the advance in wages has come partly out of the profits of the firms paying the lowest rates, and that in the next depression of trade some of these struggling businesses will disappear.

Their disappearance may be regarded with sympathy for the individual, but without solicitude for the industry, for it is not upon them that its fate depends. It seems not unfair to say that the class by whom the advance in wages has been most severely felt consists neither of the efficient factory occupiers nor of the efficient master tailors, both of whom were already, in most cases, paying more than the rates fixed by the Trade Board before those rates became obligatory. It consists, in the main, of the less progressive factory occupiers and small masters, who have held their footing in the industry mainly by employing the worst-paid women workers to produce the cheapest class of goods. Deprived of that resource, the factory occupiers may bring their management into line with that of their more efficient competitors, and, as will be shown later, some of them are already doing so. Deprived of that resource, the small masters are almost helpless. (Pages 103-104.)

The small master who specializes in the intensive production that characterizes so many of the Jewish workshops will hold his own. But the small master who made a living by taking out work at low rates from the wholesaler, relying for his profit on cutting down wages, is already being thrust from his precarious niche in the industry. (Pages 104-105.)

What the experience of some firms in the tailoring industry seems to suggest is not merely that the low wages of the worst-paying districts are not a necessity, but that they are a dubious advantage to the firms paying them, and that the advance in wages brought about by the Trade Board, so far from hampering the expansion of the tailoring industy, is likely actually to benefit it.

The mere fact that, without (as has been shown) any other special advantages, the districts in which wages are highest have secured in the last twenty years at least their share of the industry, suggests that high wages are at any rate compatible with its prosperity. The following figures show the percentual increase in the number of persons engaged in the tailoring trade as a whole, which took place in different areas between 1891 and 1911:*

TABLE X.

Town.	Average earnings for full time in 1906.†		1891.	1901.	Increase per cent. 1901. over 1891.	1911.	Increase per cent. 1911 over 1901.	Increase per cent. 1911 over 1891.
Bristol—	s.	d.						
Men	34	9	1,339	1,709	27.6	1,898	11.05	41.7
Women	11	10	3,437	4,863	41.3	5,032	3.4	46.4
Essex—								
Men	28	0	1,709	2,318	35.6	2,363	1.9	38.2
Women	12	8	3,463	4,366	26.07	3,598	17.5	3.8
Leeds—								
Men	31	11	4,773	5,792	21.3	7,625	31.6	59.7
Women	13	8	10,916	14,021	28.4	15,917	13.5	45.8
London—								
Men	36	2	27,474	31,389	14.2	33,275	6.0	21.1
Women	11	11	24,872	33,114	33.1	31,718	4.	27.5
Manchester—								
Men	33	11	3,611	4,091	13.2	4,356	6.4	20.6
Women	13	7	3,736	5,507	47.4	5,905	7.2	58.1
Norwich—								
Men	28	4	675	645	4.4	660	2.3	2.2
Women	10	9	1,431	1,635	14.3	1,292	20.9	9.7

It will be seen that the growth of the industry has taken place at least as rapidly in districts where wages are relatively high as in those where wages are relatively low. (Pages 116-117-118.)

The opinion that the firms paying higher wages than their competitors are, at any rate, not severely hampered

* Census of England and Wales, 1891, 1901 and 1911.

† Report on Earnings and Hours of Labor in 1906, Cd. 4844 of 1909, pp. 102-109.

by this policy, may be thought to be an amiable, but academic, theory. Lest, therefore, it should appear presumptuous for a person unconnected with the industry to put forward such a conclusion, one may add that it is suggested by the comments of some employers. Their remarks must not, of course, be strained too far. They are merely *obiter dicta* by persons of wide practical experience. As such, however, they are perhaps worth quoting, as showing a standpoint which does not always find in economic discussions an expression proportionate to its importance. "Recently," said a manufacturer of slop cottons, who sells them both abroad and to English firms making both slop cottons and ordinary clothing, "I attended a meeting of the Employers' Association. Some of the manufacturers present had been objecting to the suggestion that the Trade Board should fix a minimum rate of more than 2¾d. for women workers. The women I employ earn between 4½d and 7d. per hour; . . . The employers who objected to a minimum rate of more than 2¾d. were my own customers and competitors, men who found it cheaper to buy goods from me than to make them themselves." "Badly paid labour," said an employer, "is the dearest you can employ. We have captured the juvenile clothing trade, the men's stock trade, the men's measure trade, and the men's overcoat trade. We must have the best labour in the market, and to get it we must pay the best price." "It is the Leeds finish," said another, "which gets us the trade. We can't get the finish without skilled workers, and to get skilled workers we must pay them properly." (Pages 118-119-120.)

The Establishment of Legal Minimum Rates in the Box-making Industry under the Trade Boards Act of 1909. The Ratan Tata Foundation, (University of London). M. E. Bulkley. *With Introduction by* R. H. Tawney. *Bell, London, 1915.*

When the minimum rates were proposed, fear was expressed that the small employer would be "squeezed

out." In the boxmaking industry a large proportion of the employers are men with a small capital.* . . . It would appear that in certain instances the Trade Boards Act is undoubtedly pressing hardly on the small employer, and we have heard indirectly of a few cases where a firm has given up business altogether. On the other hand, it must be remembered that small firms would in any case be springing up and disappearing independently of Trade Board legislation. A considerable number of small employers are men who have been foremen and think that they see a chance—which is not always realized—of succeeding "on their own." So far, at any rate, the effect of the establishment of minimum rates would not seem to be serious. (Page 48.)

The Effect of Minimum Wage Legislation upon British Industry. B. SEEBOHM ROWNTREE, (*Director in the Firm of Rowntree and Co. Ltd., Manufacturers of Cocoa*). *Financial Review of Reviews, London, July, 1914.*

Regarding industry as a whole, I am inclined to believe that the raising of wages to the efficiency level would not increase the cost of production in the long run, although it might do so temporarily, until the economies I have suggested above and the increased efficiency of workers began to make themselves felt. No doubt certain ill-equipped factories working with inadequate capital, or controlled by inefficient men, or by men too old to adapt themselves to new conditions, would suffer. In all industries there are some employers of less than average capacity, who can only just manage to keep going. They cannot face any contingency which demands a higher order of organising ability, and a few of them might go under. But from the standpoint of British in-

* Out of 281 employers in London, 55 were, in September, 1913, employing less than 10 boxmakers (including outworkers), and 70 between 10 and 20; 23 of these firms (or possibly a few more) were, however, non-competitive firms, whose boxmaking department was subsidiary to the production of other goods.

dustry as a whole, their number is insignificant, and the work which they are at present doing would be transferred to more capable employers. (Page 782.)

More important from the national standpoint than the regrettable misfortune of a very small proportion of employers, is the question whether there are whole industries which would be wiped out if the employers were obliged to pay their workers a living wage.

If there are any such industries they would be those in which

(1) the margin of profit is very low;

(2) the increase in the workers' output which would result from higher wages would not be proportionate to the increase in wages, notwithstanding all the employer's efforts to improve organisation and supply the best possible appliances;

(3) the market conditions are such that prices cannot be raised.

This means there would be trades in which the workers even when working under the most favourable conditions cannot possibly earn a living wage. The question whether such trades or sections of trades are worth preserving I will not here enter upon, but the conditions postulated are such as to make it evident that the number of trades in this parlous condition is probably insignificant.

The Trade Boards Act was originally passed to fix minimum wages in trades where a considerable number of the workers were paid exceptionally low wages, and it is perhaps reasonable, therefore, to deduce from this that they are, speaking generally, trades large branches of which, at any rate, are being conducted on a narrow margin of profit, for very low wages usually indicate a trade in which profits are not high. We may therefore fairly argue that since the trades already scheduled have not been wiped out of existence, we need not contemplate

any such consequences from an extension of the number of trades scheduled.

The time which has elapsed since legally fixed minimum wages came into operation has not been long enough nor the collection of statistics sufficiently detailed to enable us to measure exactly how individual employers have been affected, but there appears to be no evidence that any trade as a whole has been seriously injured or seriously checked in its development. Therefore the fear that *whole trades* might, as a consequence of the establishment of an efficiency wage, be wiped out of existence need not be entertained. (Page 783.)

Massachusetts Minimum Wage Commission. Bulletin No. 7, September, 1915. The Effect of the Minimum Wage Decree on the Brush Industry in Massachusetts.

The rates prescribed have now been in force more than a year, and the effect of the increases on the brush industry is a matter which has been variously interpreted by manufacturers, by employees and by the public. The Commission has made two reinspections of the brush factories,—one in November and December, 1914, for the purpose of locating whatever instances of failure or refusal to follow the rulings might exist, and the second in June and July, 1915, for the purpose of ascertaining the effects of the rates upon the industry as well as to record violations. The Commission is therefore in a position to report the degree of compliance with the decree of Aug. 15, 1914, and the effect of the rates upon the industry, in so far as it has been able to determine that effect. (Page 4.)

This remarkable increase in wages must be considered in connection with the course of the industry during the same period. The comments made by employers of women in the brush industry have differed widely in their bearing. In common with the previous inspections, the inspection of 1915 brought out a strong protest against prison-made brushes. One firm claimed that

on the cheaper grades of brushes the minimum wage requirements were only a secondary consideration, that of first importance being the prison competition. Another firm employing large numbers of persons has claimed, on the contrary, that the minimum wage requirements have been of great detriment to its business, causing it to refuse large orders and discharge many of its low-paid women employees. This establishment has, however, conformed to the decree in every respect.

Other employers brought out the failure of the European bristle supply during the war, a consequent cutting short of work, and the necessity of buying bristles in the Orient. Certain manufacturers stated that no effects whatsoever had been felt from the operation of the minimum wage law; others mentioned the dullness of business, but ascribed it to other causes. One employer spoke of the necessity of discharging a number of setters who were not able to earn the specified rates, and the discontinuance of that particular line of work; the employer referred to was, however, employing the same number of women in his factory as before the decree went into effect. Another employer, who stated the difficulty to be the problem of finding girls skilled enough to earn the high rates, was employing more women in his factory than before the rates went into effect.

In attempting to ascertain the effect of the establishment of minimum wage rates upon any industry two questions should be taken into consideration: (1) what are the surest indices of the prosperity of the business; and (2) are the effects indicated, whether showing prosperity or depression for the industry, the results of the operation of minimum wage determinations or of other factors in the industrial situation? The latter is of especial importance in a year like the present, when common opinion attributes to the European war the depression and unemployment in certain industries and the apparently abnormal expansion in others.

The value of the output and the number of employees are two of the indices of business conditions which operate with comparative quickness in showing changes in

the industry, and are more significant in reflecting temporary fluctuations than the value of stock, rate of dividend or grade of credit.

Statistics of Manufactures for the year 1913 contains the latest information published by the Massachusetts Bureau of Statistics concerning the value of the product, the value of the stock and materials used and similar items. Through the courtesy of the Director of the Bureau, however, advance information on the statistics of the industry for 1914 has been placed in the hands of the Commission, and a comparison of the status of the brush industry in 1913 and in 1914, after the application of the decree, is therefore afforded.

	1913	1914
Number of establishments	27	30
Capital invested	$2,771,038	$3,286,997
Value of stock and materials used	2,059,146	2,232,684
Value of product	3,740,615	3,914,029

(Pages 10-11.)

The allegation has sometimes been made that the comparatively slow growth of the industry has been due to the effects of the establishment of minimum wages. Whether or not the output could have been larger or the numbers employed greater, in view of the conflict in Europe, is the crux of the situation. The conclusions previously quoted from the reports of the Bureau of Statistics show industrial maladjustment to be general throughout the State. Nevertheless, the compliance of practically every employer with the decree and the large increases in the wages of female employees bear witness to the fundamentally healthy conditions of this industry. (Page 13.)

*Fourth Report of the New York State Factory Investigating Commission. Vol. IV. Appendix VIII. 1915. Minimum Wage Legislation in Australasia. Chap. I. Victoria.**

On the initiation of determinations, especially during the early years of the board system, there were many prophecies made predicting the destruction of business. For a time it seemed that some of these fears might not be far wrong. As has been seen, the outlook in some trades, such as the boot industry, was far from bright.

Experience has proved most of the early predictions to be false, although there are some instances of unfavorable effects on industry. Complaints have repeatedly been made regarding the position of the plate glass trade. In 1903 manufacturers complained that profits were so small that a living could scarcely be made. This was due in the main, however, to the imposition of a tariff duty on raw material and a very low duty on the finished product,† which even a brisk trade has but partially overcome. The saddlery industry has been subject to another well known handicap, the competition of neighboring states.‡ It is now possible to adjust differences under the Commonwealth Act but considerable delay is likely to be involved. Still another factor in conjunction with a wage determination drove many of the small butchers out of business in 1902. The extraordinarily high price of meat in a year of drought proved too much for some employers who were forced to close shop permanently, or to suspend business until better times ensued. Mention may also be made of a cigar manufacturer who moved his factory to Adelaide. One clear cut instance of an employer revolting at a wage

* For earlier studies embodying similar conclusions after shorter experience see A Country Without Strikes. Henry D. Lloyd. Doubleday, Page & Co., 1900. Pages 11-12.

The Minimum Wage in Great Britain and Australia. M. B. Hammond. American Academy of Political and Social Science. Annals, July, 1913. Page 32.

The Living Wage. Philip Snowden, M. P. Hodder & Stoughton, London, 1913. Pages 115-116.

† Victoria, Report of the Chief Inspector of Factories, 1903, p. 22.

‡ *Ibid.*, 1902, p. 28.

determination, is cited by Prof. Hammond. A brush manufacturer from England came to Victoria to establish a business. He was so enraged by the idea of wages regulated by law that he moved his factory to Tasmania. Another brush maker with a belief in female as opposed to male labor moved a part of his works to a neighboring state. But such instances are the exception rather than the rule.

It is evident from what has already been said that employers have seldom been forced to the wall and then under exceptional circumstances not caused by the fixation of wages. What now have been some of the positive facts in regard to this question? As a whole the recent history of Victoria has been marked by a steady growth in manufactures. In 1896, when the Factories Act creating the wages board system was passed, there were in the state 3,370 factories. In 1913 there were 8,089. In 1896 the number of factory workers was 40,814; in 1913 this number had grown to 110,487.* During this same period both the output of the factories and labor's reward have greatly increased. Not only that, but the board system has been constantly extended until it is now applicable to 141 trades affecting nearly 150,000 employees engaged in almost every kind of work. The constant extension of the wages board principle, frequently at the request of employers, speaks for itself. In answer to the question, has industry been driven from the state, we must reply that it has not. Neither has it been paralyzed, but under the wages board system there has been a steady consistent growth in the forces of production. (Pages 1924-1926.)

Since 1896 wages have risen from 12 to 35 per cent. The hours of labor have been reduced, the working week now generally consisting of forty-eight hours. In 1900 the value of the total output of the factories of the state was £19,478,000. In 1912 this value was expressed at £45,410,773. Meanwhile the revenue of Victoria has risen from £6,458,000 in 1896 to £10,009,000. There has

* According to the Factory Department. Different figures are given by the Government Statistician—see *infra.*, p. 692.

been little variation in interest rates, bank depositors being paid from three to four per cent., and discount rates on local bills ranging from four to six per cent. However, bank deposits have grown from £31,217,000 to £47,258,000 during this period, and Victoria has a greater number of depositors in proportion to her population than any other state in the Commonwealth. State railway receipts have increased from £2,400,000 to over £5,233,000. The inhabitants of the state now number more than 1,375,000, and there are over 11,000 marriages per year as contrasted with 7,625 in 1896.* These facts all point to the conclusion that commercially and otherwise the state has highly prospered. Whatever explanation is offered for this era of progress, it cannot be said that minimum wage legislation has arrested the development of Victoria. (Pages 1928-1929.)

Chapter II. New Zealand.

In 1901 the Labor Department reported an increase of business throughout the whole community, mentioning especially the building trades, foundries and engineering shops, clothing and woolen factories, and tanneries and fellmongeries. In the same year Judge Backhouse of New South Wales declared after making his official investigation, "That possibly, with one exception, industries have not been hampered by the provisions of the Act." No evidence was found that the investment of capital had been discouraged, although assertions to that effect were made regarding three large companies. He found the clothing trade to be in a high state of activity and it was his opinion that the coal mining industry had derived a positive advantage from the Act.† (Page 2022.)

Another and a better evidence of industrial development is to be found in a comparison of the statistics of factories and workshops, now, and before the arbitration laws took effect. . . .

* Statistics from the Victorian Year Book, 1912-13, p. 795 ff.

† New South Wales, Report of the R. C. on Compulsory Conciliation and Arbitration Laws, 1901, p. 16.

Relation to Profits.—Australasia

* Statistics of Manufacturing Industries.

	1891	1896	1901	1906	1911†
Establishments	2,254	2,459	3,163	3,495	3,519
Hands employed	25,633	27,389	41,726	49,806	45,963
Wages paid	£1,808,640	1,907,592	3,098,561	4,103,536	4,705,305
Total capital	£5,261,826	5,796,017	7,959,631	11,814,013	14,430,355
Value of product....	£8,773,837	9,549,360	17,141.149	22,422,726	29,534,642

* Statistics of the Dominion of New Zealand, Part VI.

† The figures for certain industries not included in the statistics for the four previous years are deducted from these returns so as to make the table comparable throughout.

It will be seen that according to the above returns the number of factories and employees has almost doubled since 1891. During the same period the amount of wages paid, the total capital involved, and the total yearly output have nearly trebled in value. From 1896 when the arbitration plan was fairly launched, to 1911, the average wage per worker rose from £69 to £102 per year, an increase of 46.9 per cent. Simultaneously the value of the average annual product per operative increased from £348 to £638, a gain of 80.3 per cent., while the average capital employed per worker mounted from £211 in 1896 to £313 in 1911 or 48.3 per cent. It is true that these figures indicate nothing as to the relative profits drawn by master and servant from the operations of industry, but they fairly suggest that the employers of New Zealand have not been overcome by unfavorable economic conditions. After making full allowance for the national prosperity of the period . . . it remains clearly demonstrated that industry has not been strangled by legislation. Rather there has been a consistent trend of upward progress, which by its permanence has tended to encourage the undertakings of capital. (Pages 2024-2026.)

Chapter III. New South Wales.

While the awards of the wages boards have raised wages and abolished sweating, business has prospered, wealth has accumulated and industry is now seeking ex-

pansion. The regulation of wages has not caused industrial retrogression. (Page 2107.)

Chapter IV. Wage Legislation in Western Australia, South Australia, Queensland and Tasmania.

Since the initiation of wage legislation in South Australia, business has flourished and wealth has increased. Practically every line of industry has shared to some extent in the general expansion. The value of the gross annual factory output increased over three million pounds from 1907 to 1911. During the same time there was an increase of 228 factories and over 5,000 workers. Although figures are not the most accurate measure of industrial conditions, the following table is illustrative of the trend in this respect:

MANUFACTURES IN SOUTH AUSTRALIA.*

	1904	1907	1911	Increase per cent. 1907-11
Number of establishment....	853	1,086	1,314	20.9
Persons employed	17,691	22,701	27,907	22.9
Males	13,930	18,423	22,651	22.9
Females	3,761	4,278	5,256	22.8
Plant and machinery.....		£1,873,061	£2,506,000	33.7
Total wages paid.....		£1,734,394	£2,645,386	52.5
Average annual earnings per worker		£80	†£99	24.4
Value of output.....		£9,436,723	£12,580,851	33.3
Population	359,368	373,663	418,172	11.9

* Complete figure £99.55.

† Figures taken from the Statistical Register, Part III, p. 163, and Part I, p. 5.

The improvement of trade conditions has been quite consistent upon the whole. In 1908 Mr. Aves remarked upon the evident prosperity of the country and the general shortage of labor. During the following years there has been no lessening of commercial activity. The Chief Factory Inspector reported in 1911 that the year had been a most prosperous one from all points of view. . . .

From 1902 to 1912, the number of savings bank de-

positors increased from 137,147 to 222,988.* Mining has declined in importance to some extent, there being fewer men employed now than in 1901. About 6,000 men were so engaged in 1911, but taking industry in the large, there has been no cause for complaint. The following quotation from an editorial taken from The Register, January 18, 1909, is interesting: "Primary production was never on a better footing; secondary industries have never been plied on a sounder basis; population has swollen; land is in demand; buildings are going up in all directions; employment is good; and deposits are accumulating in the various banking institutions. There is a general air of contentment. South Australia is passing through an era of great productiveness, and stability is reflected on all sides."† It is not claimed that industrial legislation has been the cause of commercial expansion in this state, but neither can it be asserted that legal restraint has stagnated and smothered industrial enterprise. (Pages 2182-2183.)

Chapter VI. Summary and Conclusions.

No industry has been driven from any state, and only in exceptional instances has the location of the individual factories been changed because of wage regulation. In South Australia, Queensland and the Commonwealth as a whole, industry has generally prospered. There is no evidence to show that the investment of capital in manufacturing enterprise has been checked. But it should ever be remembered that both Australia and New Zealand are largely self contained. The manufactured products of each state are in the main consumed at home. Were the tariff barriers removed and the competition of the outside world encountered, there might be a different story. Nevertheless, periods of depression have not been unknown and the principle of a legal minimum wage has survived. Taking conditions as they are, it cannot be said that wage legislation has tended to destroy industry. (Pages 2247-2248.)

* Official Year Book of the Commonwealth of Australia, 1911, p. 855.
† Department of Intelligence, Bulletin No. 6, p. 13.

The Labour Movement in Australia. A Study of Social Democracy. Victor S. Clark, Ph.D. *Archibald Constable & Co., London, 1907.*

The impression the country makes upon a visitor is not that of a land where industry is paralyzed and business stagnated, but rather the reverse. Permanent and costly buildings are being erected in the larger cities, public improvements are going forward, the wharves are crowded with shipping, the railway service is fully occupied. . . . There are few evidences of excessive unemployment. To a person studying in Australia, the economic argument that a country will be industrially ruined by state regulation is not convincingly demonstrated. (Page 219.)

Third Report of the New York State Factory Investigating Commission, 1914. Appendix III. Minimum Wage Legislation.

The following list of questions concerning the operation of the minimum wage law in Victoria was sent by the New York Factory Investigating Commission to the office of the Chief Factory Inspector at Melbourne: . . .

Third. "Do such laws tend to drive industry from the state?"

. . . In response the following statement was received: . . .

There is no evidence to show that our labor legislation has driven any industry from the state, nor from Victoria to any other part of the commonwealth. As a matter of fact, labor laws are in operation all over the commonwealth, so that, if our legislation had any such effect, the industry would have been driven to other countries. There has been an increasing amount of imports in the last few years, but I think I can safely say that the evidence tends to the belief that that is caused more by our general prosperity than any other factor. Side by side with the increasing proportional imports has been a great increase in production and in the number of factories established. (Pages 228-229.)

The following list of questions concerning the operation of the minimum wage law in England was sent by the New York Factory Investigating Commission to the office of the Board of Trade at London: . . .

Third. "Do such laws tend to drive industry from the state?"

. . . In response the following statement was received: . . .

"(3) The board are not aware of any tendency on the part of manufacturers to transfer their business to foreign countries, or, in cases where lower minimum rates have been fixed for Ireland than for Great Britain, to transfer their business from Great Britain to Ireland." (Pages 243-244.)

Report of Chief Inspector of Factories of Victoria, 1901.

State of Trade.

These figures clearly indicate the steady increase of the manufacturing trade of the State. Since 1896 increased employment has been shown year by year, as a rule of some thousands, but in 1898 of only a few hundreds. There are now over 9,000 more persons employed in factories than there were during the height of the land boom.

The year has been an important one, owing to a large number of trades having been brought under the Act. The statements generally made that the application of the Act would result in the closing of many places of business have not been borne out by actual experience. It is true that many businesses have changed hands, and that some have been closed and not re-opened, but this is a natural result, not of the application of the special boards' determinations, but due rather to various causes to which trade generally is subject.

In all centres of population a certain percentage of businesses close each year, and to attribute such closing to the application of the Act is unjust. (Page 8.)

It will be seen that the minimums fixed by this Board are low as compared with other Boards, yet for some

months a determined effort has been made by a small section of the trade to convince the public that the jam trade would be ruined and the price of fruit greatly lowered in consequence of the Board system having been applied to the trade.

I have the assurance of employers engaged in trade that there is no foundation for such statements, and that the price of fruit has not been in the slightest affected by the determination. (Page 27.)

Report of Chief Inspector of Factories of Victoria, 1909.

Boot Trade.

The minimum wage for adult males in this trade has been raised gradually during the past ten years from 36s per week of 48 hours to 48s per week. This is, indeed, a striking instance of improvement in a trade and in the position of the workers. The leading manufacturers declared, in 1897, that the trade would be seriously injured if the minimum was fixed at 45s, and satisfied the Department that such was the case, yet by 1908 the minimum wage is raised to 48s without objection on the part of employers. (Page 23.)

Journal of the Legislative Council, New South Wales. Vol. LXIII. Part II. 1901. Report of the Royal Commission of Inquiry Into the Working of Compulsory Conciliation and Arbitration Laws. Judge A. P. Backhouse.

Generally, I should say that my investigations showed that, with possibly one exception, industries have not been hampered by the provisions of the Act. To attempt to decide whether capital under other conditions would have been invested in particular industries is to undertake a task which has merely to be mentioned to show its impossibility. No doubt general statements were made that this abstention had been practiced, but I found it more than difficult to get specific instances. Any cases which

were mentioned, on investigation hardly bore out the view put forward. For instance, I was told of the delay in the building of a shirt factory at Auckland; but the factory is now up and in full working order, and it was one of my pleasantest official sights, when going over it, to see the large number of healthy girls working under conditions which seemed almost perfect. (Page 762. 15.)

Mr. Wiseman, saddler, of Auckland, it was said, had largely contracted his business after an award. The facts found to be these: When the award affecting his business was made, he discharged twenty (20) hands, as he considered they were not able to earn the wage fixed; one was subsequently taken back, and now about as many hands are employed as were engaged before the decision of the court. I presume New Zealand, notwithstanding its prosperity for some time, has had its profitless speculations, notably among the companies which were floated in such large numbers to dredge for gold—many of which have returned very little, and give prospect of returning less—but I was not able to fix any venture the starting of which the Act prevented, or the continuation of which it stopped. (Page 762.)

New South Wales. Parliamentary Papers. Vol. II. 1911-12. Interim Report of the Royal Commission of Inquiry Into the Alleged Shortage of Labour in the State of New South Wales. 1911.

	1900	1910	Increase Per Cent.
Population	1,364,590	1,690,316	23
Value of Agricultural Products	£ 5,609,437	£ 10,908,320	94
Value of Wool Produced	7,676,800	13,128,000	71
Saving Bank Accounts	10,901,382	22,013,104	101
Bank Deposits	33,118,860	50,018,885	51
Foreign Exports	11,710,755	27,677,088	136

Relation to Profits.—Australasia

Victorian Year-Book, Melbourne, 1911-12.

Statistical Summary for Victoria. Population and Vital Statistics. (Condensed.)

Year	Population Persons	State Finance General Revenues	Banks of Issue Deposits	Savings Banks No. of Depositors	Savings Banks Amount of Balances	State Railways Total Receipts	Manufactories (exclusive of Quarries) Value of Output
		£	£		£	£	£
1897	1,182,710	6,630,217	30,209,638	353,963	7,781,048	2,615,935	
1898	1,183,060	6,898,240	28,027,140	338,149	8,096,874	2,608,896	
1899	1,189,470	7,389,444	30,050,429	356,074	8,517,006	2,873,729	
1900	1,197,206	7,453,355	30,638,285	375,070	9,110,793	3,025,162	19,478,780
1901	1,212,613	7,712,099	30,618,062	393,026	9,662,006	3,337,797	
1902	1,215,840	6,997,792	30,960,224	410,126	10,131,604	3,367,843	
1903	1,215,202	6,954,619	30,429,303	418,511	10,341,857	3,046,858	
1904	1,218,608	7,319,949	31,674,797	432,867	10,582,808	3,438,141	23,126,180
1905	1,228,985	7,515,742	35,123,896	447,382	10,896,741	3,582,266	25,200,648
1906	1,244,474	7,811,475	37,623,820	466,752	11,764,179	3,789,068	28,102,480
1907	1,260,468	8,345,534	38,247,289	491,318	12,792,590	4,022,231	30,399,945
1908	1,271,097	8,314,480	36,634,993	511,581	13,428,676	3,833,742	30,787,760
1909	1,291,019	8,247,684	39,660,726	532,425	14,101,710	4,189,065	32,898,235
1910	1,308,111	8,597,992	43,188,975	560,515	15,417,887	4,455,748	36,660,854
1911	1,337,678	9,204,503	47,485,600	595,424	17,274,423	4,909,062	41,747,863

(Pages 794-816.)

Report of the Chief Inspector of Factories and Shops of Victoria, 1913.

State of Trade.

The following figures show the number of factories and the workers therein since the Factories and Shops Act, 1885, came into force:

No. of Factories	Persons Employed	Year Registered
1,949	39,506	1886
2,182	41,083	1887
2,383	43,288	1888
2,522	47,223	1889
2,507	47,813	1890
2,548	46,649	1891
2,443	40,319	1892
2,243	35,263	1893
2,515	34,268	1894
2,573	36,027	1895
3,370	40,814	1896
3,739	45,178	1897
3,777	45,844	1898
3,895	49,546	1899
4,050	52,898	1900
4,238	56,945	1901
4,252	59,440	1902
4,325	57,767	1903
4,436	60,977	1904
4,623	63,270	1905
4,766	67,545	1906
5,003	71,968	1907
5,143	76,210	1908
5,248	79,348	1909
5,362	83,053	1910
5,638	88,694	1911
7,750	104,746	1912

(Page 5.)

British Sessional Papers. Vol. LXXI. 1908. Report to the Secretary of State for the Home Department on the Wages Boards and Industrial Conciliation and Arbitration Acts of Australia and New Zealand. Ernest Aves.

It is noteworthy that in reply to the general question as to whether there was personal knowledge of any cases —employers or employed—of those who have been driven out of the trade by the Wages Boards' determinations that, without any restriction as to period, or limitation either to any particular class of person or cause of displacement, 49 out of 82 are able to reply in the negative; and it is still more significant, partly of the great prosperity of the time, and partly of belief in the Special Boards system, that 21 out of 25 of those representing the employees give this answer.

As regards employers very few instances either of migration or of failure and retirement reached me. (Page 61.)

Little or nothing is now heard, however, of the risk which the Boards may involve to the development of the State's industries, but the view is by no means unrepresented that this development would have been greater under a freer system. The assertion, however, like its denial, cannot be proved to be false. Those who hold the opinion hold it, it may be noted, less strongly now than formerly in its connection with the other States of the Commonwealth, owing to the tendency for similar legislation to become more general throughout the Commonwealth. (Page 61.)

Women in Industry. Chapter 2. The Minimum Wage. Constance Smith. *Duckworth & Co., London, 1908.*

The principle of the minimum rate is no new principle in this country. In all government works fixed minimum rates exist for the different classes of labor employed. The great organized trades have, by means of collective bargaining, succeeded in fixing such rates for

themselves. There is such a rate in the mining industry, in the engineering industry, and in the cotton trade. Other trades, less completely organized than these, have succeeded in setting up similar standards by means of arbitration under the Board of Trade, when the arbitrator has fixed piecework rates—even for so complicated an industry, subject to constant change and dependent on the demands of fashion, as the Nottingham lace trade, with conspicuous success both as regards the maintenance of peace, the prosperity of the industry, and the satisfaction of the workers. (Page 44.)

The Economic Theory of a Legal Minimum Wage. SIDNEY WEBB. *Journal of Political Economy, University of Chicago Press, December, 1912.*

It is difficult to believe that the enforcement of a legal minimum wage in all these hundred different industries employing 110,000 persons (being with their families more than a quarter of the entire population of the State), has interfered with the profitableness of industry, when the number of factories has increased, in the sixteen years, by no less than 60 per cent., and the number of workers in them have more than doubled. Certainly, no statesman, no economist, no political party nor any responsible newspaper of Victoria, however much a critic of details, ever dreams now of undoing the minimum wage law itself. (Pages 5-6.)

Hansard's Parliamentary Debates. Vol. 34. 1912.

Mr. G. Roberts, Member for Norwich:

The question of a minimum wage is not a new one, because the principle has been accepted by this House in the Trade Boards Act. Although that Act has been in operation some time, and has effected quite enormous increases in wages, I have yet to learn that it has resulted in the destruction of the industries to which it has been applied. On the contrary, I am informed that those particular trades and industries affected by this measure

are still in a state of prosperity, and all this goes to prove full well that those industries throughout might have borne a living wage. We believe that a living wage will never be established except by the intervention of this House. That principle has been applied in many other forms of industry, in fact, wherever organized labour is strong enough the principle is invariably accepted. Many of my colleagues, as well as myself, have constantly been engaged in negotiating this principle of a minimum wage, and we find that invariably it is alleged that it is impossible for the industry to stand it; and yet, when we have succeeded in imposing this principle, we find that the particular industry affected still prospered, and that, after all, that particular industry invariably is the better for it. (Pages 135-136.)

(b) THE EFFECT ON EXPORT TRADE.

The Establishment of Minimum Rates in the Tailoring Industry Under the Trade Boards Act of 1909. R. H. TAWNEY. *The Ratan Tata Foundation, (University of London). Bell, London, 1915.*

We need not raise the larger question of the social advantages of an industry which *cannot* pay the low minimum rates fixed by the Tailoring Trade Board, because the evidence suggests that the tailoring industry can. About the future no one can dogmatise, but of the present and immediate past the statements so freely made as to the Trade Board already causing the cheapest section of the tailoring industry to be transferred to foreign countries appear to be incorrect. The figures published by the Board of Trade do not seem to lend much support to the theory that there is increasing competition in English markets, or that English exports of clothing to foreign markets are falling off; though, no doubt, that is not inconsistent with the view that particular lines or particular districts have suffered. The value of the clothing exported to foreign markets in the fourteen months succeeding the date at which the minimum rates were made obligatory was higher than in any previous fourteen months in its history. An interesting case is that of South Africa, which is by far the largest foreign market for English clothing, to which the cheapest and worst qualities of goods are exported, and of the effect upon which of the minimum rates the gloomiest anticipations were entertained. The exports to the South African market of non-waterproofed clothing were £3,167,346 in 1911, £3,204,587 in 1912, £3,280,114 in 1913, and in January, 1914, £280,254 as against £272,855 in January, 1913, and £254,375 in January, 1912. "The Act," said the head of the chief exporting firm in one of the largest centres of the tailoring industry about six months after the rates had become obligatory, a firm which sends seven-eighths of its goods to foreign markets, and a large proportion to South Africa, "has not prejudiced English manufacturers at all. We thought its effect would be to enable us to cut out more successfully than at present the makers of sweated clothing, and

to bring us back the cheap trouser trade. My partner has just come back from South Africa, and he took care to find out the prices of the East End clothiers who compete with us. They have not put up their prices, and they are selling as much as before." "He confirmed," stated a leading trade paper, in reporting the speech of a large manufacturer, "what we have already held to be the case, namely, that no decent firm would suffer by the Act." Right in their statements of fact, the firms which complain that they have lost business would seem to be wrong in thinking that this means that the trade is being ruined. All that has happened is that orders have passed from them to those of their English competitors who, for one reason or another, are in a position to pay better wages. (Pages 105-106-107.)

The Establishment of Legal Minimum Rates in the Box-Making Industry under the Trade Boards Act of 1909. The Ratan Tata Foundation, (University of London). M. E. BULKLEY. *With Introduction by* R. H. TAWNEY. *Bell, London, 1915.*

. . . The imports of cardboard and chip boxes for the three years 1911-13 were as follows:*

	Imports, less Re-exports, of Boxes and Cartons of Paper or Cardboard.		Imports† of Chip Boxes.	
	cwts.	£	cwts.	£
1911	7,888	25,488	30,110	27,410
1912	8,046	24,818	45,156	40,667
1913	8,253	25,078	50,389	44,097

During the same years the exports of cardboard and paper boxes† manufactured in the United Kingdom were 34,530 cwt. 45,962 cwt. and 47,732 cwt. respectively (in value £63,419, £83,609 and £83,345).‡ The exports have therefore increased at a much greater rate than the imports. (Page 50.)

* Annual Statement of Foreign Trade for 1913, pp. 177, 208, 599. Boxes were not separately enumerated before 1911.

† The re-exports of foreign-made and the exports of British made chip boxes were negligible.

‡ *Ibid.*, p. 445.

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. IV. Appendix VIII. Minimum Wage Legislation in Australasia. Chap. II. New Zealand.

*Population and Exports, 1894-1912

Year	Estimated Population	Exports. Wool £	Gold £	Frozen Meat £	Butter and Cheese £	Agricultural Produce £	Manufactures £	Other Products £	Total £
1894	686,128	4,827,016	887,865	1,194,545	366,483	317,655	224,958	1,266,626	9,085,148
1900	768,278	4,749,196	1,439,602	2,123,881	969,731	1,230,565	549,342	1,992,932	13,055,249
1906	908,726	6,765,655	2,270,904	2,877,031	1,901,237	270,542	988,264	2,766,713	17,840,346
1912	1,052,627	7,105,483	1,345,131	3,909,569	3,769,202	1,060,605	636,795	3,445,620	21,272,405

Taking up first some of the leading products exported from the Dominion since the inauguration of regulating legislation, it will be seen from the preceding table that while the quantity of some articles exported has decreased, there has been a general increase in the value of sales to other countries. The annual aggregate value of all kinds of exports has more than doubled since 1894. (Page 2024.)

* Official year book of New Zealand, 1913, pp. 98, 331.

Wages Boards in Australia. M. B. Hammond. *Quarterly Journal of Economics, November, 1914.*

The long-delayed Report of the Royal Commission Appointed to Investigate and Report on the Operation of the Factories and Shops Law of Victoria was completed in February, 1903, and presented to Parliament. The Commission had not limited its investigations to Victoria, but had visited other Australian states and New Zealand to study the operation of their laws. The investigation seems to have been a careful one and to have been conducted in no partisan spirit. . . .

The Commission admitted that many of the employers who gave evidence looked with critical eyes upon the wages boards. (Page 139.)

To satisfy themselves as to the truth of these allegations, the Commission investigated the conditions in all trades (11 in all) in which a determination had been in force long enough for the results to have become known. It was found that while mistakes had been made in the first award in the boot industry and in the awards in the printing and wood-working industries, on the whole the evil effects of wages boards' determinations had been greatly exaggerated in and out of Parliament. The export trade of all the industries which had an export trade at the time the board determinations went into effect had shown a substantial gain. The number of employees had not diminished except in the trades where much machinery had been introduced, although the European furniture trade had shown no marked increase. Sweating, it was declared, had practically disappeared.* (Page 140.)

The Minister of Labor, Mr. Murray, who introduced the bill and who, it will be remembered, showed no enthusiasm for the boards in 1902, now said that he did not think the New Zealand laws had proved satisfactory† and that the Victorian "system of an arbitrary fixing of a minimum wage is a provision I am prepared to defend, as against all other propositions that have been made,

* Report of the Royal Commission, pp. xxxv-lx.
† Parl. Debates, vol. 105, pp. 45, 52.

or against all systems that are in operation elsewhere."* He presented statistics which showed that the growth of those industries which were under the wages boards plan had been fully as great as that of the trades not included, so that there was no truth in the oft-repeated assertions that the wages board system was preventing the growth of industry.† (Page 141.)

Things That Matter. L. G. Chiozza Money, M. P. *Methuen, London, 1912.*

. . . I have been asked by one who is inclined to admit the general truth as to the economy of high wages, "What of foreign competition? How are we to maintain our exports if British wages rise above those paid abroad?"

This objection does not really raise a new point. If the general case for high wages is true, then high wages must assist instead of diminishing export trade.

Let us bear in mind the case for high wages. It is that it produces efficiency in (1) the employee, (2) the employer, and (3) industrial plant. This being so, the efficiency of man, master, and factory must have the same results in relation to export trade as in relation to any other department of trade. And it must be true that the nation which pays high wages will beat the nation which pays low wages. If anyone is inclined to think that this is pretty theorizing not borne out by everyday facts, let him pose the following question:

Question: Which is the greatest exporting country in Europe?

Answer: The United Kingdom, the rates of wages in which, unsatisfactory as they are actually, are relatively the highest in Europe.

If anyone thinks it mere chance that this is so, let him ask himself another question:

Question: Which European nation, next to the United Kingdom, has the largest export trade?

* *Ibid.*, p. 46.

† Report of the Royal Commission, pp. 47-50.

Answer: Germany, the wages paid in which are, next to those of the United Kingdom, the highest paid in Europe.

Let us take this a little further. Which three great nations in the world have the highest rates of wages? The answer is: The United States, the United Kingdom and Germany. These three nations, which pay the highest wages, have also by far the largest export trades in the world. If the payment of low wages really means the gain of competitive power, then it would be the low wage countries which would be at the head of commercial affairs. (Pages 45-46.)

EXPORTS OF GERMANY AND FRANCE. SINCE 1880.

	France. £	Germany. £
1880	139,000,000	145,000,000
1885	123,000,000	143,000,000
1890	150,000,000	166,000,000
1895	135,000,000	166,000,000
1900	164,000,000	227,000,000
1905	195,000,000	282,000,000
1910	240,000,000	367,000,000
Increase	£101,000,000	£222,000,000
Increase per cent. (about)	70	150

Here are two countries with the same fiscal policy, so that the fiscal factor, which so often at this time clouds the intelligence of men who endeavor to think, is eliminated. The one Protectionist country has beaten the other in hollow fashion. Starting at about the same level thirty years ago, Germany has increased her exports about 150 per cent., while France has increased hers about 70 per cent.

Is the explanation that Germany is paying lower wages than France? No, the fact of the case is that German wages are higher than French wages, and are

rising more rapidly. If high wages checked exports through dear production, Germany would have suffered severely and France would have taken the lead of her.

Now let us make an interesting comparison of the rise of German exports and the rise of German wages. The great Krupp works in Germany afford a very interesting clue to the rise of wages in Germany. In the following table, I compare the average daily earnings (not mere rates of wages) at Krupp's with German exports.

GERMAN WAGES AND GERMAN EXPORTS.

Year.	Average daily earnings at Krupp's Arsenal.		German exports.
	s.	d.	£
1880	3	1¾	145,000,000
1885	3	7	143,000,000
1890	3	10½	166,000,000
1895	4	0½	166,000,000
1900	4	8½	227,000,000
1905	5	0½	282,000,000
1910	5	4¼*	367,000,000

* £83, 16s. per annum; the average wage at Woolwich Arsenal in 1910 was £101, 18s., 8d.

It will be seen that in the earlier part of the above period German exports did not rise much, neither did German wages rise much. It is in the latter part of the table that German wages and German exports are seen to be rising together.

But it is unnecessary to go abroad for proof of the strengthening of export trade by higher wages. The industries in which Britain chiefly shines, and the trades in which she exercises the greatest power in exporting, are precisely those in which rates of wages are highest. (Pages 47-48-49.)

(2) Effect on Prices.

One objection to the establishment of minimum rates of pay is that increased wages will lead to increased prices to consumers. Hence it is argued that the workers, having to pay higher prices for commodities, will suffer, rather than benefit from the increase in wages. But this criticism ignores the fact that if prices are raised, the expense is borne by the entire body of consumers, only a portion of whom are wage-earners. The workers, however, receive the needed increase in wages and therefore are benefited even if prices are raised.

Thus in Victoria in 1896 sweated mole trousers were sold for 6d a pair. In 1898, after a minimum wage went into effect, the price was raised to 9¼d. each. But the average wages of 4,484 employees had been raised 2s. 9d. per week.

Secondly, even when prices are raised after a wage determination, experience shows that the increased price is not necessarily due to the rise in wages. Thus in Great Britain according to the British Board of Trade ready-made suits increased in price 7.5 per cent. and overcoats 11.1 per cent. between 1905 and 1912, before the minimum rates were set. This increase was due to the rise in cost of materials apart from any advance in wages.

Thirdly, the increase in cost, if any, caused by higher wages, is shown to be too small legitimately to affect the retail price to any marked degree. This is because the labor cost of most industries does not usually exceed and often falls below 20 to 25 per cent. of the total cost of

production, in some trades, dropping as low as 4 per cent. of the total.

Fourthly, in some cases a rise in wages is not the cause but the excuse for increased prices. Thus, according to Justice Higgins, when a wage board raised the pay of milk carters, milk vendors raised the price of milk far beyond the amount necessary to recoup themselves. Such a practice obviously cannot be held against the wage board system itself, but like all abuses of a benefit must be separately combatted.

If, however, a rise in prices should prove inevitable after an increase in wages, the burden would justly be borne by the entire body of consumers who have previously profited unjustly by the underpayment of the workers.

The Establishment of Legal Minimum Rates in the Box-making Industry under the Trade Boards Act of 1909. The Ratan Tata Foundation (University of London). M. E. BULKLEY. *With Introduction by* R. H. TAWNEY. *Bell, London, 1915.*

One of the arguments advanced against the establishment of the minimum wage was that the increased cost of production consequent on a larger wage bill would naturally lead to a rise in prices, which would inevitably restrict the demand. . . . (Page 46.)

The first point to be considered is the effect on prices of the Trade Board's determination. During the last two or three years there has been a fairly general rise in the price of boxes, but this rise is due to a variety of causes. The Trade Board is one factor at work, but the Insurance Act and especially the rise in the cost of raw materials have been far more instrumental in bringing it about. During the last two or three years the price

of all raw material, strawboard, glue and, more recently, paper, has increased considerably. The relative value of the labour and material varies according to the kind of box. In a small box, according to the calculations of a large employer of labour, the value of the labour may be six times as great as the value of the material, while in a large box the labour value may be only one-ninth that of the material; it would therefore be the manufacture of the small hand-made boxes that would be most affected by the increased wage bill. (Pages 46-47.)

The Establishment of Minimum Rates in the Tailoring Industry Under the Trade Boards Act of 1909. R. H. Tawney. *The Ratan Tata Foundation (University of London). Bell, London, 1915.*

The commonest objection to the policy of the minimum wage is based on the assumption that its direct advantage to the workers whose wages are raised must somehow inevitably be more than counterbalanced by the effect of the increased costs which it is believed to impose upon industry. This attitude of criticism is not in itself an unreasonable one. (Page 97.)

Though too short a time has elapsed since minimum rates were fixed in the tailoring trade for their ultimate effect to be determined, its experience nevertheless offers some data by which the validity of this line of argument may be tested. . . .

There is little reason to think that the fixing of minimum rates in the tailoring trade has had, as it had in the chain trade, any appreciable influence in raising prices to the consumer, though it is possible that it may have caused some manufacturers to raise them indirectly by supplying a somewhat inferior quality of article. A statement so contrary to the opinion generally expressed needs some justification. It is, of course, perfectly true that during the last two years the prices of nearly all kinds of clothing have risen. To say this, however, is not to say that the increased prices are caused by the increased wages; and, when one comes to look closely at the alleged connection, one finds several reasons for being

sceptical as to its existence. First, the rise in the price of clothing is not a new phenomenon beginning in 1912 or 1913. On the contrary, according to the Report* of the Board of Trade on the cost of living, which appeared in 1913, the price of ready-made suits rose 7.5 per cent., and the price of overcoats 11.1 per cent., between 1905 and 1912. Quite apart from any advance in wages, it was to be expected, therefore, that the prices of 1913 would be from 1 per cent. to 2 per cent. higher than those of 1912, and those of 1914 correspondingly higher than those of 1913.

Secondly, the effect of an advance in wages upon prices will depend upon the proportion which wages form of the total expenses of production. (Pages 98-99.)

On the assumption that wages constitute about 25 per cent. of the expenses of manufacturing clothing, an increase of 10 per cent. in the wages bill would mean an increase of 2½ per cent., and a rise of 20 per cent. in the wages bill an increase of 5 per cent. in the cost of production. Materials are a far more important item in the manufacturers' expenses, and the cost of materials has been rising. Hence, while it is true that a certain number of retailers and manufacturers ascribe the rise in prices to the Insurance Act, or to the Trade Boards Act, or to both, there seems more to be said for the view of the larger number who have insisted that, apart from any legislation, prices would have risen owing to the increased cost of materials used in the manufacture of clothing. "Wool of various classes," stated a large firm in June, 1913, "has advanced from 10 to 15 per cent. during the last six to nine months, and the cost of dyeing and finishing has risen by about 10 per cent."

Thirdly, the effect of the Trade Board in raising wages has been felt seriously only in certain districts. To the significance of these local variations in wage levels, of which we have already spoken, we return below. If the Trade Board has considerably raised the wages of women in (for example) London, the eastern counties and Bristol, it has but little affected them in Leeds,

* Cd. 6955 of 1913, p. xlix.

Hebden Bridge and Manchester. But all these districts are competing in the same market, and it is very doubtful, therefore, whether those manufacturers whose wages bills have been increased can place the extra cost on to the consumer, when their competitors are selling (as far as the Trade Board is concerned) at the same prices as before. "So far as Leeds, Huddersfield and other clothing centres in this district are concerned," writes a manufacturer, "the Trade Boards Act is a thing of the past. The Leeds standard for women workers is now 4d. an hour; for men, 8¼d., 8¾d. and 9½d. . . . The advance in wages (*i. e.*, the advance secured by the Trade Unions) is not, however, responsible to any great extent for the increased prices of clothing. The main cause is the great advance in the price of all materials used in the production of a suit." (Pages 100-101.)

We may now sum up the main conclusions of this chapter:

(i) There is no evidence that any appreciable rise in prices has been caused by the establishment of minimum rates of payment in the tailoring industry, though there has probably been some decline in the quality of clothing. (Page 160.)

The Effect of Minimum Wage Legislation upon British Industry. B. Seebohm Rowntree, (*Director in the Firm of Rowntree and Co. Ltd., Manufacturers of Cocoa*). *Financial Review of Reviews. London, July, 1914.*

It is frequently stated that if an increase in wages leads to an increase in prices the workers would be no better off. Those who use this argument forget that the whole of the increase in wages goes to the workers, but that they only purchase a proportion of the finished goods. Even, therefore, if the whole of the extra cost of wages were added to prices—and this really could not happen—the workers would be better off than they are now. (Page 784.)

Beclouding the Minimum Wage. Professor Alvin S. Johnson. *The New Republic, July 22, 1916.*

Let us consider first whether this rise in prices is really inevitable. According to economic theory, if the cost goes up the price must go up. And according to the same lore, when wages go up, costs go up. For, again according to economic theory, we are living under a régime of intense, universal competition, which cuts prices to the level of costs. And our industry is directed by shrewd, far-seeing men, who already manage their labor force as well as they can and pay as high wages as they can without forfeiting their profits.

It is not to be denied that the hypothesis of perfect competition has proved useful in the handling of many economic problems, especially those relating to currency and to wholesale prices. The hypothesis becomes less and less useful as the facts of price-making depart more and more widely from the hypothesis. Prices, as paid by the final consumer, are far from any competitive standard. The Standard Oil Company fixes the price of gasolene at what the traffic will bear—well above the cost level. If costs were to rise the price might not rise at all; the traffic would not bear more on account of the rising costs. Five-dollar shoes are so priced because the traffic will bear five dollars. Raise the wages of shoemakers, and the five-dollar shoe will not sell at five dollars and ten cents. The price will probably remain at five dollars and the extra cost will be subtracted from the profits of the manufacturer or the jobber, or the retailer—wherever charging what the traffic will bear is practised. Somewhere, along the road from the producer to the consumer, almost every commodity falls into the hands of a functionary who adds to its price what the traffic will bear. If the costs are higher the addition will be less; if lower the addition will be more. Thus an advance in costs is likely to be absorbed before it ever reaches the consumer and affects demand. Especially is this true when the advance in costs is small. In most of the industries that live by the labor of underpaid women wages make up

only a minor part in the total costs. An advance in wages of twenty-five per cent. would rarely mean more than a five per cent. increase in total costs, even if no increase in efficiency followed the rise in wages. In the circumstances, we have no real warrant for asserting that a rise in women's wages from six dollars to eight dollars a week would raise prices to the consumer and curtail demand. (Pages 297-298.)

Is the Minimum Wage a Menace to Industry? N. I. Stone. *Chief Statistician, Wage Scale Board of the Waist and Dress Industry of New York. The Survey, February 6, 1915.*

An important fact, which is usually overlooked in discussing this question, is the low ratio which the wage-bill bears to the total cost of an article. The one feature that marks modern industrial progress is the constant improvement in machinery, tending to eliminate or to reduce human labor to a minimum, and to substitute unskilled for skilled labor. As a result, there are few manufacturing industries today in which the labor cost exceeds 20 to 25 per cent. of the total cost of an article, and not much more than half that figure when measured in terms of the retail selling price of the same article. In a very large number of industries it does not exceed 10 to 15 per cent. of the total cost and a still smaller fraction of the selling price.

Even overlooking the fact that the minimum wage would affect only a part of the workers, and disregarding their inevitable increase in efficiency at a higher wage, it is clear that a rise of, say, 50 per cent. in wages, would in most industries be equivalent to an increase of 5 to 12 per cent. of the cost of production, and of about 3 to 6 per cent. of the retail price. On a yard of cotton cloth retailing at 10 to 25 cents the increase would amount to from one-half to one and one-quarter cents; on a pound of candy selling from 35 to 60 cents per pound, it would amount to a fraction of one cent to 3 cents per pound, except in so far as retailers might take advantage of the

fact to "round out" fractions of cents into nickels, and cents into dimes, as they do in some cases.

In most cases, however, the increase in cost, if any, caused by higher wages, would be too small to affect the selling price of the merchandise and could be borne by the manufacturer without appreciably affecting his profits. (Page 514.)

The Australian Experience With Wages Boards. M. B. HAMMOND, *Vice-Chairman Industrial Commission of Ohio. The Survey, February 6, 1915.*

If prices do increase as a result of the rise in wages, it means that the industry as a whole has been in a sweated condition and that the wage increase is borne by consumers who had been benefiting at the expense of the workers. (Page 499.)

A New Province for Law and Order: Industrial Peace Through Minimum Wage and Arbitration. HENRY BOURNES HIGGINS, *High Court of Australia, Melbourne.* [*President since 1907 of the Court of Conciliation and Arbitration.*] *The Harvard Law Review, November, 1915.*

Perhaps I should add here that up to the present I have not been able to trace any increase of price of commodities to the fixing of minimum wages. It is not the function of the Court to ascertain the truth as to the causes of increased prices, but the Court watches for any sidelights on this important subject. In one case, I believe, a wages board raised the wages of milk carters by 1s. per day and the milk vendors at once raised the price of milk by 1d. per quart. For 100 quarts per day, this would mean an increase of receipts to the amount of 8/4 per day, so that the milk vendors had raised the price of milk far beyond the amount necessary to recoup them for the additional wages. (Page 37.)

Effect on Prices.—Australasia

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. IV. Appendix VIII. Minimum Wage Legislation in Australasia. Chap. I. Victoria.

Many people hold the view that an increase in wages must necessarily be followed by an increase in the price of the product. The merits of this economic argument are discussed elsewhere. Here our primary concern is to learn in what degree this has been the case.

In the sweated trades the forced rise in wages at first meant an increase in the price of the product. In 1896 mole trousers were made for 6d. a pair, which price was admittedly due to sweating. After a determination went into effect in 1898 they were sold for 9¼d. each. But the average wage of 4,484 employees had been raised 2s. 9d. per week. This meant in the aggregate £32,060 more for the workers in this line of industry. The Factory Department reported the actual increase in the cost of production of shop clothing to have been so slight as to have scarcely affected wholesale prices. As the figures in these cases were supplied by the manufacturers themselves, there is no reason to doubt their veracity.*

In the boot trade a board determination first raised the wages of every man, woman, boy and girl employed, an average of 4s. 4d. per week. The prices of boots and shoes were not perceptibly raised, owing in part to the fact that both machinery and the task system were then being introduced into this trade.† But in 1910, following an increase of the wages of adult males from 48s. to 54s. per week by an award by the Commonwealth Arbitration Court, the cost of production was noticeably raised. However, a scarcity of hides and the general dearness of trade accessories was also responsible for this advance.‡

It is hard to estimate the part played by a board in raising prices, for it may not be the primary cause of price advances. A doubtful instance was the situation

* Report of the Chief Inspector of Factories, 1898, p. 8.

† *Ibid.*, p. 12.

‡ Annals of the American Academy of Political and Social Science. 48:34.

in Melbourne which followed a determination raising the wages of cooks and waiters in hotels and restaurants. The cheap restaurants immediately doubled their price of meals. While the increase in wages was probably in part responsible for the increase in prices, the wage increase was the occasion, rather than the cause of the higher prices. Owing to an increase in the cost of food supplies, a raise in prices was bound to come sooner or later.* The fact remains that in several trades where wages have increased, neither cost nor price has been similarly affected, and in some cases they have tended in opposite directions. One leading employer has stated that the wages boards "have made no difference in business and no traceable difference in prices".† In response to a special inquiry made by Mr. Aves, twenty-eight employees and employers said they were unable to mention a case where the board system has induced a higher price as against nine who were either doubtful or contrary in their opinion. But the common testimony from many lines of industry is that while prices have been raised, the increase has scarcely kept pace with the rise in the cost of production. (Pages 1917-1918.)

Chapter II. New Zealand.

In New Zealand, as in other parts of the world, the rise of wages has been accompanied by a rise in prices and the cost of living. The causes advanced for this general increase have been as numerous here as elsewhere. Opponents of the arbitration law declare it to be the chief source of mischief. Complaints have repeatedly been made that coal costs more on account of the high wages of miners; that buildings are more expensive because carpenters, painters and plumbers must be paid at a higher rate than they formerly were; and that the millers have raised the price of flour owing to the wage awards of the Arbitration Court. The Victorian Commission practically admitted these charges with the defense that the marked prosperity of the Colony permitted

* Victoria, Report of the Chief Inspector of Factories, 1910, p 5.
† Aves, p. 56.

the employer to transfer to the consumer the cost of higher wages with but little appreciable effect. It was furthermore claimed that the workman at once put this added wage into circulation again by purchasing additional food and clothing and little luxuries that he would not otherwise obtain.

The most valuable source of information upon the problem of prices and living costs is the report of the Royal Commission on the Cost of Living in New Zealand, published in 1912. The Commission consisted of eight very substantial members and was headed by the former Secretary of Labor, Mr. Tregear. Its findings were embodied under thirteen distinct heads and covered in detail the various factors influencing prices and production costs. Considerable weight may therefore be given to its opinions.

The specific effect of labor legislation upon the cost of production was one of the subjects of inquiry pursued by the Commission. It was found that in some trades, such as the coal industry, the labor cost of production had undoubtedly increased. From 1901 to 1910 there was an increase of nearly a shilling per ton in labor cost, while during the same period the price of coal to the consumer was reduced by no less than five per cent. In explanation of this fact, the managing director of the Westport Coal Company declared that while the effect of the awards of the Arbitration Court was to increase wages the company had cut its profits so as to sell coal at a lower price. Pushing the principle a little further the Commission stated: "That the necessity to preserve profits threatened by the conditions imposed by labor legislation generally has been a factor in stimulating the introduction of up-to-date machinery and improved methods, and has thus tended directly for efficiency".* It is evident from this statement that competition brought on through the effects of labor legislation has necessitated special efforts to "tempt demand." This effort has frequently taken the form of price reduction, which has been energetically fought by certain trade combinations.

* New Zealand, Cost of Living Commission, 1912, p. xxxiv.

Whether due to their efforts or not, it is undoubtedly true that the cost of certain manufactured articles to the public has increased. It is difficult to say in these instances whether the increase in price preceded or followed the increase in wages. The latter view is supported by the experience of the coal trade, while the experience of the boot trade apparently justifies the former. In many instances where the effect of wage increases was investigated, it was found that employers had increased prices to the public far beyond the wage increase granted. This would seem to support the opinion of Mr. Aves, that when profits can be calculated on a percentage increase of the total cost, the actual amount of profit is apt to become higher, the higher wages are raised. Yet taking into consideration these examples of apparent extortion, the Commission believed it "reasonable to assume that prices generally have not been arbitrarily inflated as the result of labor legislation." (Pages 2040-2042.)

Minimum Wage Legislation. Rev. John A. Ryan. *Proceedings of the Minnesota Academy of Social Sciences, 1913.*

There is, however, one objection to a universal minimum wage which has in it some elements of validity. At least, it will stand the test of examination. It consists in the possibility that the increased wages would be followed by increased prices, and, therefore, by diminished production and diminished employment. Nevertheless this contention has been unsuccessfully urged against every legislative enactment which apparently tends to increase the cost of production, such as, eight hour laws, child labor laws, industrial safety laws, accident compensation laws, and every other legal regulation which restricts in any way freedom of contract or freedom of industrial management. Since the objection has not been permitted to prevail against these worthy and necessary measures, it should not stand in the way of minimum wage legislation. To be sure, if the wages of all the underpaid workers in America were raised to decent and

living levels by one sudden stroke of legal enactment, the evil results that we are now discussing would probably be verified. Such able and uncompromising advocates of the minimum wage as Sidney and Beatrice Webb make this admission. Consequently the advance in wages effected by the law should be gradual and continuous, not quick and final. In this way the rise in prices would be confined to the products of a very few industries; for the greater part of the increased wages would probably come out of the increased efficiency of the workers, and the diminished profits of monopolistic establishments and sweating establishments. (Pages 114-115.)

British Sessional Papers. Vol. LXXI. 1908. Report to the Secretary of State for the Home Department on the Wages Boards and Industrial Conciliation and Arbitration Acts of Australia and New Zealand. Ernest Aves.

This question of cost is so fundamental that when the view is accepted that increased wages must lead to increased cost, and when circumstances appear to leave no margin for such an increase, any change that involves higher wages comes to be regarded as impracticable.

Some of the fallacies, mainly traceable to an assumed fixity in the determining conditions—personal and economic—which underlie this assumption in its application to certain industries are recalled by Victorian experience, and the extent to which the combined view is held that Special Boards have increased wages and have not increased cost is of practical significance, since it is found to prevail in several of those trades in which the evil of underpayment is apt to be most prevalent. The Special Boards themselves may or may not have sent wages up to the extent often assumed or even at all. The fact remains that in several trades in which wages have tended upwards there is much testimony to the fact that neither cost nor price have been similarly affected, and in some instances it has been admitted that they have tended in the opposite direction. (Pages 55-56.)

Effect on Prices.—Great Britain

The Establishment of Minimum Rates in the Chain-Making Industry Under the Trade Boards Act of 1909. R. H. TAWNEY. *The Ratan Tata Foundation, (University of London).* *Bell, London, 1914.*

The principal indirect effects of the Trade Board rates are seen in connection with the price of chain, the quality of work and, to a less extent, the general organisation of the industry. In respect of its ability to raise prices to the consumer, the chain trade stands in a peculiar position. (Page 108.)

The chain-making industry is not typical, and it would not be right to assume that the effect of raising wages in other industries by means of a Trade Board would necessarily be to raise prices merely on the ground that it had that effect in the chain trade. That this has been the effect in this particular industry there seems little room for doubt. (Page 109.)

For the purpose of comparing the rise in prices per cwt. to the purchaser with the increase in the piece prices per cwt. paid to the worker, one may set the average increase in the price of common chain given above side by side with the average increase in the piece prices paid for making common chain (see back, p. 86). The result is as follows:

Increase in price to purchaser of four sizes of common chain	30.8 per cent.
Increase in piece prices to worker on common chain	49 per cent.

It will be seen that the advance in prices to the purchaser is about three-fifths of the advance in piece prices paid to the worker. But these figures exaggerate the advance in prices to the consumer. For, as will be shown below, the quality of the chain made has improved, and the purchaser is therefore obtaining a better article for his money. (Pages 109-110.)

How far this rise in prices, such as it is, is due to the rise in wages it is impossible to say. During the period under consideration the prices of most articles, including

the raw materials for the manufacture of chains, have been rising, and 1912, the year for which prices are given, was one in which they were disturbed by the enormous temporary rise in the price of coal. The general view of manufacturers that the advance in wages has, in the main, come out of an advance in prices, must not, therefore, be taken as implying that the prices would not have risen if the old rates had remained in force.

To say that an advance in the price of chains is the principal immediate source from which the increased wages of chainworkers have come is not to imply that this must be so permanently. Though, for the reasons given above, the opportunities for introducing improvements in the process of manufacture are not so numerous as in most factory industries, there are signs that even in the chain-making industry the rise in wages has, as usual, let loose forces making for economies in production. In the first place, the establishment of minimum rates appears to have a distinct effect on the quality of the chain produced. That the low rates paid resulted in inferior work has long been a common-place. (Pages 110-111.)

That bad wages produce bad work is an experience as common as it is habitually disregarded, and it is not surprising that with the advance in the prices paid the quality of the chain should have improved. (Page 113.)

How far has machinery been used to meet the extra wage-bill imposed by the Trade Board? This question can be answered with some accuracy. Of the two kinds of machine-made chain on the market, weldless or twisted chain and electric welded chain, the former appears to be made by two firms in England, the latter by seven, which while continuing to produce a good deal of chain as before, have in the past few years put in electric-welding machines. As far, therefore, as the trade as a whole is concerned, one may say that hitherto the introduction of machinery, though somewhat accelerated by the Trade Board, has taken place only on a quite inconsiderable scale.* (Pages 113-114.)

* Chain Trade Board Papers, 304.

At the present moment, indeed, the demand for machine-made chain seems, in spite of the activity of trade, to be diminishing rather than increasing. Farmers, who a year or two ago were placing orders for it, have returned to hand-hammered chain, on the ground that the latter is more durable. Nor is it without significance that, so far as can be ascertained, not a single tender for a cwt. of machine-made chain should ever have been received by the Admiralty. For the British Admiralty is by far the largest buyer of chain in the world; it is the ambition of every chain-making firm to secure its custom; and if chain could be produced by machinery which would face the required tests, it would be incredible that the Admiralty should not have been inundated with offers to supply it.

It would, however, be contrary to all experience to assume that technical difficulties will permanently stand in the way of the introduction of machinery. (Page 115.)

It may, however, be useful to the reader to summarize the main points which emerge from the experience described in the preceding pages. They are as follows:

. . . (vii) The increased piece rates have been met partly by an advance in the price paid for chain by the purchaser, partly by an improvement in the quality of the chain made, partly by a reduction in the profits of the shop-owner or middleman, partly, but only to a small extent, by the introduction of electric-welding machinery. (Pages 130-131.)

Lohnpolitik und Lohntheorie mit besonderer Berücksichtigung des Minimallohnes. (*The Wage Question in Practice and Theory with Special Regard to the Minimum Wage.*) Otto von Zwiedineck-Südenhorst, *Professor in the Technical Institute of Karlsruhe. Duncker and Humblot, Leipzig, 1900.*

The assertion that the price of commodities must rise if wages were increased is based on the assumptions that the remaining factors of production would remain

unchanged and that the manufacturer would not in any case permit his business profits to be decreased. These assumptions, however, stand in the sharpest contradiction to economic life and the assertion disregards the sinking rate of interest as completely as it does the decline of profitableness in enterprises which can in fact be so often observed. It is always the old fallacy of the Smith school which one here encounters, and which leads to the belief that the spirit of enterprise turns its back unconditionally on a trade as soon as the profits decline and directs itself to another branch of industry.

If this teaching were strictly true, how could it be, then, that industries with wholly different rates of revenue are carried on side by side? It presupposes a total ignorance of real life for one to assume that the rate of profit of a business has remained in the course of years always the same, absolutely or relatively—that is, by comparison with the profits of other industries. The unfavorable alteration of the various factors of production, all of which determine the cost of production, need not always and can not always, in fact, be transferred to the consumers and find expression in increased prices. (Pages 336-337.)

The instances of injury to the business man's profits are so numerous and are so frequently not made good by increased prices that only a total lack of familiarity with the circumstances of actual business life could lead to the assertion that increased wages, as a permanent increase in the cost of production, must, of binding necessity, have as a consequence an increase in the price of the commodities produced. A rise in the rate of interest for ready money, which often enough permanently increases the cost of production, diminishes business profits no less, and in the same way the business man must bear a moderation in prices caused by the circumstances of competition or by measures of business policy. (Page 338.)

(3) Stimulus to Industrial Efficiency.

(a) on the part of employers.

1. General Management.

The facts previously set forth as to the stimulus to the efficiency of employers resulting from higher wages* is borne out by the experience of those trades in which a legal minimum wage has been set. It has caused employers to scrutinize their business in new ways, to introduce new machinery, new methods of management and organization. It has also led employers to watch and instruct their employees more carefully so as to enable them to earn the required minimum wage.

The Establishment of Minimum Rates in the Tailoring Industry Under the Trade Boards Act of 1909. R. H. Tawney. *The Ratan Tata Foundation, (University of London). Bell, London, 1915.*

It is in the lesson which it has given in the better management of industry that the Trade Board supplies the most striking illustration of "the economy of high wages." It is evident that the wages earned by the workers must depend to a considerable extent not only upon the piece-rates, but on the equipment provided and the way in which the work is organised by employers. Indeed, the method of management adopted by a firm may make all the difference between comparatively high and comparatively low weekly wages. (Page 135.)

The evidence of more than one industry placed under the Trade Boards Act suggests that almost the first effect of an advance in wages is to lead the employers most affected by it to search, and search successfully, for ways of producing cheaply to which they were indifferent before the advance took place. (Page 136.)

"The only way to meet the increased cost of labour," stated a firm with factories in London and the eastern

* See page 475 ff.

counties, "is the better organisation of industry." "The difference," said another, "between an up-to-date, well-organised factory and an old-fashioned one offers a margin over which wages can be raised." He added that the invariable effect of legislative interference with an industry was to lead employers to introduce improvements in organisation and equipment which would not otherwise have been made. Whether this statement is true or not as a general rule, there is no doubt that the establishment of minimum rates in the tailoring industry has been very generally followed by changes in methods of management and organisation, and that in the opinion of competent observers these changes, though often individually minute, have led to an increase in the technical efficiency of the industry. . . .

Organisation is a vague word which includes large matters of policy and details so small as to seem too trifling to mention. The effect of the Trade Board has been seen in four main directions. It has been responsible for a closer supervision of earnings and of work. It has led to more careful attention being given to the training of workers. It has caused processes to be redivided and to be grouped differently. It has stimulated the introduction of new kinds of power and of better machinery. (Pages 137-138.)

Speaking generally, one may say that the mere fact of setting up a standard reacts on the efficiency of the whole factory, which tends to be tuned up, as it were, to a new key. The change is obviously to the advantage of the management, which, though it pays larger sums in wages each week, gets a larger output from its machines. Its effect on the workers is more equivocal. It is certainly a good thing that a firm should be under an obligation to watch their earnings and feel a responsibility for seeing that they do not fall below a certain figure. In some firms this seems to be quite a new departure. Before the establishment of minimum rates, some employers (though, of course, not all) felt little responsibility for the weekly earnings of their workers. They knew what the piece-rates were, but they did not reflect what

wages they could reasonably be expected to produce. (Page 139.)

Now that employers are bound under a penalty to see that the piece-rates are such that the ordinary worker *can* earn not less than a certain weekly wage, they examine the wage sheets in a manner unknown before. If the result is that they advance the piece-prices or make some such improvements in organisation or equipment as are described below, the workers gain, of course, as well as the management from the increased efficiency of the business. Unfortunately, there is another alternative. To introduce technical improvements requires intelligence and may require capital. If the views expressed to us by a considerable number of manufacturers may be trusted, it would appear that some firms possess neither. Their only idea of increasing the output is to drive the workers harder than before; and, since the Tailoring Trade Board has not fixed minimum piece-prices, but only a minimum time-rate, it is possible to try to force the workers by undue pressure to earn the minimum time-rate on piece-rates which will not produce it except at the cost of nervous overstrain. (Pages 139-140.)

Legally, of course, the Board of Trade has power to proceed against an employer who behaves in the manner described in these three instances. For it is evident that if the piece-rates are such that the girls can earn the time-rate only by excessive exertion, then they are not sufficient to yield 3¼d. per hour to the "ordinary worker". In practice, of course, it is extremely difficult to check such abuses. Our own view, however, is that they are somewhat less common than they were when the minimum rates first became obligatory, and are likely to be less common still in the future. In the first place, as the Investigating Officers gain experience, they are better able to detect those piece-rates which will not produce the minimum time-rate unless the workers are overdriven. (Page 141.)

. . . In the case of the better managed firms the

effect of the Trade Board's rates has been to stimulate the employers to meet them not merely by "speeding up", but by the more careful training of workers and by the improvement of processes and equipment. (Page 142.)

The final source from which the increased cost caused by higher wages can be met consists in the introduction of better machinery. That the Trade Board was expected to increase the use of machinery in the tailoring trade is shown both by the opinions expressed in the "objections" forwarded by employers to the Board, and by the fact that in the advertisements inserted in trade papers machine-making firms have, for the last two or three years, expressly mentioned the Trade Board as a reason for buying machines. The tailoring industry is, indeed, one where the opportunities for meeting increased costs by machinery are exceptionally great. On the one hand, there is scarcely a process which cannot be performed by machinery at least as efficiently as, and more cheaply than, by hand, provided firms are willing to incur the initial expense of putting it in. On the other hand, at the present time, so far from there being anything like the similarity of equipment throughout all firms in the trade, which obtains (for example) in the cotton industry, there is the greatest diversity in the degree to which the resources of science and invention are used by different firms and in different districts. (Pages 148-149.)

Inquiries as to the increased use of machinery which we have addressed to several large firms of machine-makers have usually received the answer that there is no doubt that a large amount of work which was previously done by hand is now done by machinery, and that, though this is partly due to the natural development of the industry, it is also in part to be associated with the rise in wages caused by the Trade Board. (Page 153.)

An assumption which is still not uncommon is that the self-interest of competing employers is the guarantee that the most efficient methods of industrial organisation will be adopted. . . .

In reality, except in a few strongly organised industries, no assumption could be farther from the truth. What is true is that competition does keep competing employers up to the mark *in those matters which come within their immediate purview*, and the significance of which needs no special effort either for their understanding or for their application. No man buys dear if he can buy cheap, or sells cheap if he can sell dear. But there are a large number of matters which do not ordinarily come within the purview of more than a small number of exceptionally enlightened employers, because they have not any immediate competitive significance, and, with regard to these, the actual practice of employers is no guide to the practice which is either economically or socially most beneficial. (Pages 156-157.)

In fact there are probably not many industries where the actual product is identical with the potential product under good conditions of labour and management. (Page 158.)

A minimum wage sets up a standard of management to which the worst-equipped firms in the industry must conform. Its effect is thus to apply to the manufacturer, though in a much softened form, the same tests of efficiency which are applied to workmen. If a workman cannot get a certain amount of work off his machine, he is dismissed, on the ground that he is not profitable to the employer. But in the absence of a minimum wage an employer may be as incompetent as he pleases, he may be careless as to organisation and parsimonious in the matter of equipment, and yet maintain his position merely because labour is cheap. What the establishment of minimum rates by a Trade Board does is to exclude from the industry those employers who cannot attain the level of efficiency which is measured by their ability to pay a low minimum. If the effect of it were to transfer business from them to their better equipped competitors, there would be some migration of industry and consequent local distress in the immediate result. So great, however, are the opportunities for skilful organisation offered by most modern machine industries, so much are

they neglected when employers can pay any wage they please, and so potent are the effects of the erection of a standard to which they must conform, that the establishment of minimum rates has been followed, at least in the tailoring industry, by a general increase of efficiency both among workers and among manufacturers. (Pages 159-160.)

The Establishment of Legal Minimum Rates in the Box Making Industry under the Trade Boards Act of 1909. The Ratan Tata Foundation, (University of London). M. E. BULKLEY. *With Introduction by* R. H. TAWNEY. *Bell, London, 1915.*

On the part of the employer the necessity of paying an increased wage bill has led to a closer scrutiny of the organisation of his business in order to effect economies. "There have been savings in the methods of manufacture," said one employer, "which have succeeded in many cases in reducing costs. The Act has opened the eyes of employers to the fact that, in many cases, they were wasting money." "The trade," said another employer, "is in a sounder position now than before. Firms have to go into costs. They do not like it, but it is good for them."

These economies may be effected in several ways. There are first the methods to which we have already alluded—the stricter supervision of the workers and the re-organisation of the work so as to avoid waste of time. Another direction in which improved methods can be introduced is in the matter of learners. Some employers have told us that they now exercise greater care in training their young hands. "The learners are supervised more." "We have to be much more careful how we train." "Every worker has to be trained to earn the minimum, whereas formerly it did not matter how little they earned." (Page 51.)

A third method by which the cost of production may be reduced is by the introduction of machinery. During the last few years there has been a very greatly increased demand for machinery and, in the opinion of

manufacturers of machines from whom we sought information, it is to be attributed partly to the minimum rates. "In our experience," writes one machine maker, "the demand for labour-saving machinery in the box trade has been steadily increasing for the last ten years. A further marked advance has occurred in the last couple of years, and we are of opinion that this is not unconnected with the new Trade Board regulations." "We know for a fact," writes another, "that many machinery houses have received increased orders owing to the introduction of this new Act." "I have certainly found," declares a third, "that the fixing of the minimum rates has led to an increase in the use of machinery in the manufacture of paper and cardboard boxes, and, as far as I can gauge, it has increased the sale by at least 25 per cent." On the other hand, the establishment of a legal minimum wage has not been the only factor at work. "The box manufacturer," writes another machine maker, "is now waking up to the fact that he must do something to keep his head above water, owing to several causes, *i. e.* Trade Board rates, National Health Insurance, the great advance in the cost of materials and working expenses always rising. I am now getting many more orders from the smaller man." Another manufacturer even asserts that, in his opinion "the Trade Board rates have not had the slightest influence at all; the percentage of the yearly increase in the use of machinery set in long before the Trade Board rates were established and it has not increased since." This latter would, indeed, appear to be the more probable state of the case. Out of ninety-two employers whom we questioned on this point seventy-one replied either that they had introduced no machinery at all since the Act, or that they had introduced it to meet expanding trade or for other reasons unconnected with the Trade Board's determination. As one employer remarked, "If you want to get on you must get up-to-date machinery." Of the remaining twenty-one who stated that they had introduced machinery as a consequence of the minimum wage, several admitted that they would have been obliged to introduce

it in any case, but stated that their action had been somewhat accelerated by the influence of the Trade Board. (Pages 52-53.)

The Australian Democracy and its Economic Problems. Address before the British Association for the Advancement of Science. F. W. EGGLESTON. *The Economic Journal, London, September, 1915.*

. . . I would venture the paradox that a burden on industry is not always a check on production. It may be a stimulus. This is so in two cases: (1) Where a barrier is supplied to a certain area of economic effort in such a way that it integrates and co-ordinates the forces within that area. There has been in economic history a strong tendency for economic effort to dissipate itself over too wide an area. (2) Where the burden imposed on industry takes the form of an added reward to one particular factor. Here the pressure of contribution levied for the benefit of the one factor may stimulate the other factors to greater effort in order to secure the rate to which they have been accustomed. If the added reward is given to a factor which is naturally weak its effect may also be to overcome the inefficiencies which arise from that weakness. . . .

The pressure of the compulsory high wages coupled with the pressure to sell as low as possible has compelled a reorganisation and adjustment of industry to meet the added charge.

This reorganisation and adjustment has been all to the good. Scientific methods have been applied all round. We have better machinery, better buildings, better accountancy, better selling, more scientific credit. I am speaking here of what I know from masters of industry. On the other hand, a great deal of waste, unearned profits, and inefficiency has been eliminated. In addition there is the great virtue of certainty in one of the most uncertain of all items in industry—the rate of wage. Many employers regard this as a signal advantage of the system. (Pages 355-356.)

The Effect of Minimum Wage Legislation upon British Industry. B. SEEBOHM ROWNTREE, (*Director in the Firm of Rowntree and Co. Ltd., Manufacturers of Cocoa*). *Financial Review of Reviews, London, July, 1914.*

Before leaving this aspect of the question there are one or two considerations to which I must refer. I have heard it suggested that there are many low-paid posts which are quite adequately filled by men of little physical and mental vigour, and that their increased vigour would not profit their employers. From my knowledge of business, based partly on general observation and study, and partly on an experience lasting over twenty years as a member of a firm now employing about six thousand people, I should be inclined strongly to doubt the accuracy of such a view. I have asked our departmental managers whether there are any such posts in their departments, and they tell me that there are none except such as are already filled by aged or infirm workers.* Obviously the advantages of increased vigour will vary according to the working, but in a properly organised business it will count for something in almost every worker. (Page 779.)

We have seen that a considerable increase in the output of labourers ought to result from increasing their wages to an efficiency level; but the extent to which this result will follow will depend largely upon the organisation of industry by the employer. The first and immediate effect of fixing a minimum wage will be to confront the employer who has hitherto paid less with the prospect of a reduction in his profits, and he will ask at once whether this can in any way be avoided. He will probably attack the problem in the following way: First, he will inquire whether work is being wastefully organised and time lost in consequence. In a word, he will try to place his men better, just as a general who has few men to carry through a military operation will spend much thought on so disposing them that each is most effective.

* Under the Trade Boards Act aged and infirm workers are excluded from the minimum wage regulations.

This does not necessarily mean that he will put undue pressure upon the workers. It may possibly mean a number of small labour-saving devices, or seeing that workers are not kept waiting for work, and countless similar expedients. Simultaneously he will inquire whether workers now working "on day" cannot advantageously be put on to piece work, and whether labour-saving machinery which it was not worth while to install when labour was cheaper would now be profitable. Then he will examine other possible economies. He will ask whether he is producing his power in the most economical way; whether he is using coal having the highest calorific value in relation to its cost; and whether there is waste of water or gas. Thus if he be energetic and alert he will go through his factory and effect all kinds of economies. Then he will find out whether improved processes of manufacture can be devised. In short, the new situation which confronts him will act upon the energetic business manager as a spur, inciting him to greater activity. All this may sound rather optimistic, but I am confident that it is a fair statement of what would actually follow the fixing of minimum wages. It may be said that employers are always anxious to obtain the very highest profit, and that if such economies were possible they would already have been effected. But as I pointed out at the beginning of this article, employers, like everyone else, are apt to get into ruts. They are used to a certain method of conducting their business, and to certain profits, and while these profits are secure and nothing shakes them out of their rut, they do not trouble themselves about every leakage, or live on the look-out for every possible advantage. . . .

Similarly, Arthur Shadwell, in his well-known book on "Industrial Efficiency"* tells of a German textile manufacturer who worked out for him the relative economy of reducing wages and cutting down other expenses. "The result surprised him, and he told me that manufacturers in the same branch of industry have only the vaguest idea of the relative importance of the many

* New edition, Longmans, Green and Co., 1909.

items that make up the cost of production. It is a complicated and laborious task to work them out in exact detail, and he had never attempted it before. He found that a 10% reduction in wages was only equivalent to one farthing a yard, or 1% in the price of the finished product. The conclusion he drew was that wages were the last thing they ought to touch in attempting to reduce cost. (Pages 781-782.)

Biennial Report of the Washington Industrial Welfare Commission, 1913-1915.

The girl who wants to learn, to amount to something, to be of some value to her employer, to be competent, capable and efficient, is reaping the benefits of the minimum wage; her less competent, less efficient, indifferent sisters are perhaps being hurt by it, if any workers are. The law has not operated to lessen the competition among women workers, as some thought it might; rather has it stimulated the rivalry because the women are now being paid more nearly what they earn, and are willing to do more, as before the law became effective the chances for wage advancement were so small as to be discouraging. The employers, of course, having to pay more than before, are demanding more than before in the way of services, they are weeding out the incompetents and the misfits, when all efforts to train them properly fail, but they are not stopping there—they are advancing the more competent, the higher skilled, in a ratio that corresponds with the new wage standard. In other words, as the letter of the Seattle garment manufacturer previously quoted shows, the minimum wage has resulted in increasing the efficiency and the morale of the employees in the industries to which it has been applied. The employers are requiring better training of their apprentices now than they did before, for they know that, under the Commission's restrictions, those apprentices will soon be entitled to the established wage and they want them to be worth it. Cold, hard business it is on both sides of the equation, but with the aid of the law business is bringing about a condition that is most beneficial to society—to that ex-

tent, employer and employee are working hand in hand. (Pages 17-16.)

Fourth Report of the New York Factory Investigating Commission. Vol. V. 1915. Public Hearings.

Miss Mary Van Kleeck, Director of Investigations, Committee on Women's Work, Russell Sage Foundation:

. . . Minimum wage boards ought to establish conditions which naturally make for efficiency. It has been stated here several times that industrial education might be a remedy for our problem. I should like to emphasize the fact that efficiency in industry to-day is primarily a matter of management, that it devolves upon the manager to create such conditions as shall make efficiency possible. It is perfectly obvious that unless you have an incentive to efficiency in the form of an increased wage or increased productive capacity, or an exact analysis of what a worker's productive capacity is, you will not have efficiency. We may establish any number of trade schools. We may establish any number of classes and the workers trained in those schools and those classes will not save the general industrial conditions, unless employers are going to improve conditions, unless they realize that it is distinctly an admission of failure on their part to say they have inefficient workers in their establishment, unless they recognize that, there never will be efficiency in industry. What has been done in some industries in the matter of training employees to accomplish their task in the best way and then rewarding them for the accomplishment of that task by an increase is evidence of what can be accomplished. It will never be grappled with in my opinion unless there is some special propulsion or force in all the industries which will make it necessary. (Pages 2804-2805.)

Ibid. Vol. IV. Appendix VIII. Minimum Wage Legislation in Australasia. Chap. I. Victoria.

An impetus to productive efficiency has often been ascribed to higher standards of employment. Illustra-

tions in support of this contention are to be found in Victoria in several familiar industries. We are informed by the Factory Department that in 1897 there was a large increase in labor saving machinery in anticipation of the determination of the Boot Board.* This policy was continued until the industry was practically revolutionized. Immediately after a determination took effect, new machinery was introduced into all the large pastry houses. The same process was followed in other industries such as brass and iron work. New machines able to do the work of four men were installed in the woodworking trade immediately after a higher rate of wages was enacted.† Of course the inevitable result of these changes was increased specialization, a greater subdivision of work, a larger output, and in some cases a smaller labor force. (Pages 1919-20.)

Chapter II. New Zealand.

To what extent the efficiency of labor and capital has been promoted or lessened by industrial legislation is a question not admitting of a categorical answer. New inventions, improved processes of manufacture, and the better organization of labor always make for efficiency. It is claimed in many quarters that one of the benefits of the arbitration system has been to induce these changes more rapidly. Indeed, according to Mr. Aves, many of the employers and workers of New Zealand were inclined to believe that the introduction of new machinery and the subdivision of work had come more quickly for this reason.‡ As regards certain industries, the recent Commission which investigated the cost of living in 1912 was of the same opinion.§ To the extent that this has been true, the productive processes have no doubt become more efficient. (Pages 2026-2027.)

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* Victoria, Report of the Chief Inspector of Factories, 1897, p. 9.
† *Ibid.*, 1902, p. 32.
‡ Aves, p. 178.
§ See *infra.*, p. 2041.

Chapter III. New South Wales.

Dr. Clark has observed that where an award unduly increases the labor cost of production, employers in some cases find a remedy by introducing machinery. A number of manufacturers and mine managers mentioned the arbitration awards as a reason for the introduction of machinery.* It may be doubted whether this was the sole motive for their attention to the mechanical efficiency of their plants, but it doubtless was a contributory factor. A fact not to be overlooked in this connection is the increasing size of the industrial unit. The factories having fifty hands and upwards now employ over half of such workers in the state.† This tendency is not within its significance as concerns productive efficiency. The adoption of modern appliances and improved processes has been a feature of industrial development here as elsewhere. To what extent this process has been hastened by legislation, it would be difficult to say, but the wages boards have apparently been an influence in this direction.‡

Closely related to the efficiency of methods and organization for which the employer is responsible is the efficiency of the individual employee. There seems to be no consensus of opinion upon this subject. Mr. Aves found that very contradictory opinions were held by mine managers as to the influence of certain agreements upon the working efficiency of their men.§ While in some quarters there is a disposition to work by the stroke, this attitude does not seem to be prevalent to any marked degree. It should be remembered that this spirit is not unknown in other countries, even in the United States.

When we consider some phases of production in the large, we find that at least there has been no retrogression in the efficiency of the complete productive process during recent years. In 1903 the value of manufactured products per head of the population was £16, 18s. In 1911

* Bulletin of the U. S. Bureau of Labor No. 56, p. 125.
† Official Year Book, 1913, p. 239.
‡ See *infra.*, p. 2246.
§ Aves, p. 113.

it was £11, 5s. The same trend obtains in individual industries. The following table illustrates this point in a general way. The basis of computation used is the actual output and not the monetary value. Although comparable figures were obtainable for only a few industries, they are indicative of the increased productivity of the individual worker. This is probably due both to the higher efficiency of the laborer, and to the better organization of the employer's methods. In any event it makes for prosperity. (Pages 2082-2083.)

Chapter VI. Summary and Conclusions.

It has been seen that the proportion borne by wages to the total cost of production varies considerably, being quite small in the food producing industries and amounting to over fifty per cent. in an industry like ship building. In some trades the raising of wages has increased directly the cost of production and hence the cost of the product to the consuming public. This has been true of the clothing trade, but it must be remembered that the rates paid in this industry were far below normal. In New Zealand the cost of mining coal was undoubtedly increased by an order compelling the payment of higher wages, but the price to the public was not raised because of the competition for sales. Here another factor must be considered, that of increasing efficiency. It was the opinion of the recent Cost of Living Commission of New Zealand that the conditions imposed by labor legislation had been a factor in stimulating the introduction of up-to-date machinery and improved methods. In Victoria, several brass, iron and woodworking establishments installed new machinery about the same time that wage determinations became effective. The same tendency has been observed in New South Wales. . . . Taking industry in its entirety, the combined efforts of employer and worker seem to be making for industrial efficiency. (Pages 2245-46.)

State Arbitration and the Minimum Wage in Australia. H. W. Macrosty. *Pol. Science Quarterly, March, 1903.*

The protection which the acts in Victoria have been to the workers is seen in the case of dungaree trousers, where the price paid by the wholesale houses to the manufacturers fell from 13s per dozen before 1897 to 7s 6d in 1899. Under free competition this loss would have fallen entirely on the workers; under the acts the manufacturers recoup themselves by better organization and improved methods, and where they raise the price to the warehouses the latter still retain an ample margin of profit without raising prices to the consumer. (Page 132.)

Report of the Massachusetts Commission on Minimum Wage Boards. 1912. House Document No. 1697.

It is the opinion of this commission, however, that in all these industries the wage scales will stand a readjustment of rates that will raise the lowest wages to something nearer the living wage, and that such changes will result in a proper demand for more efficiency in the labor, which will be met not only by giving preference to the better class of laborers, but by making the same women more serviceable because of more adequate living conditions. (Page 24.)

It (the legal minimum wage) would stimulate employers to develop the capacity and efficiency of the less competent workers in order that the wages might not be incommensurate with the services rendered.

It would accordingly tend to induce employers to keep together their trained workers and to avoid so far as possible seasonal fluctuations. (Page 25.)

Three employers interviewed stated that they have established in their factories, on their own initiative, a minimum wage, and this in the face of their competitors, who are paying the lowest wage they can. They all lay great stress on the added efficiency of the work, the advantage of permanency in the working force and the increased *esprit de corps.* These men have given con-

structive consideration to their labor problem. (Page 61.)

Massachusetts Minimum Wage Commission. Bulletin No. 3. August, 1914. Statement and Decree Concerning the Wages of Women in the Brush Industry in Massachusetts. Appendix No. 1. Extract from the report of the Brush Makers' Wage Board to the Minimum Wage Commission, March 17, 1914.

It is the belief of the board that the added wages which would come to workers through the application of a minimum wage would be a permanent and real addition because of their wealth-creating power, and would be of advantage to employer, employee, and the public.

The minimum wage does not abolish competition for employment or the freedom of the employer's choice. It transfers the emphasis from price to value. The employer is compelled to raise the level of efficiency of his people so as to get the best possible return from fixed conditions. The aggregate efficiency of a nation's business is promoted by insuring that the workpeople employed will be those most efficient, and those unemployed will be almost exclusively the least efficient. By barring an obvious but, from a broad point of view, most undesirable form of relief from the pressure of competition, the minimum wage compels the adoption of methods of lowering costs of production which lead to the elimination of waste and increase of productivity. It puts a premium on business skill, tends to the elimination of the incompetent employer, and stimulates the selection for the nation's business of the most efficient workmen, the best equipped employers, and the most advantageous form of industry. (Page 22.)

It is noteworthy that in many highly competitive businesses employers have voluntarily established minimum wages far in advance of their sharpest competitors, and no case is on record of their failure to prosper. It is impossible to draw positive conclusions from the testimony as yet available, but the wage board believes that

more weight has been given to a low pay roll than should be given it even under highly competitive conditions, and that a higher pay roll with increase of efficiency and increased regularity of work would undoubtedly be beneficial. (Page 23.)

National Conference on the Prevention of Destitution. London, 1912. Section, Unemployment and Industrial Regulation.

Mr. Sidney Webb:

Many people thought that an increase in price must follow a rise in wages. Well, in Melbourne the trade boards had raised wages, sometimes by 50 per cent. and 70 per cent. beyond what the women had been getting before, and he had satisfied himself that there was no increase in the price of the furnished article at all as a consequence of the rise in prices. Yet the employers were not bankrupt. The explanation was that when the higher wages had to be paid the industry was carried on in a more efficient way than when the employer paid low wages. For the increased wages they paid they saw to it that they got more efficient work. Thus the labor was not more expensive to the employer, although the workers received more. (Page 425.)

Hansard's Parliamentary Debates. Vol. 35. 1912.

Mr. Asquith:

On the one hand, in the minimum wage you have an incentive to the management to give to the individual miner, and, indeed, to all the persons employed underground, the fullest facilities to make the most of their time and of their energy, and, on the other hand, adequate safeguards to the employer and an incentive to the men not to take advantage of their slackness or default. That is the case, and I must say for myself and my colleagues, who carefully investigated the whole matter, it is an overwhelming case for the combination of these two principles. (Page 1728.)

Stimulus to Efficiency in Management.—Great Britain

The Trades Board Act at Work. S. C. Moore. *The Economic Journal, London, September, 1913.*

Owing to the higher wages now being paid to the men, greater efforts are made to keep them fully employed, with the result that there is less playing between jobs, and that the women's work is therefore more regular. Whether there has been increased strain or any other result of that kind cannot yet be determined. But so far shorter hours appear to be clear gain to both men and women. It would appear also to have been beneficial to employers, for if there has been no decrease in output they will have saved on power and lighting. (Page 444.)

2. Elimination of Lost Time in the Factory.

One of the results of the better organization of industries working under minimum wage decrees has been the reduction of "lost time" in the factory. Since under the decrees workers must be paid for the whole time that they are on the premises it has been found possible to provide a more regular flow of work and materials through the different departments. Instead of being kept waiting, unpaid, the workers are continuously supplied with materials.

The Labour Year Book, 1916. Co-operative Printing Society Ltd., London.

It remains to note certain bye-products of the Trade Board determinations. As minimum rates are to be paid "clear of all deductions," various fines and other such customary nibblings at workers' earnings became illegal. As, further, the workers under the Act are entitled to be paid wages for all time spent in the workshop, it is no longer profitable to allow them to "wait for work". Better industrial organization, which Trade Boards have everywhere induced, has secured greater continuity of employment. On the occasions when work is still not available, the women are free to leave the factory or workshop and spend their leisure as they please. (Pages 217-18.)

The Establishment of Minimum Rates in the Tailoring Industry Under the Trade Boards Act of 1909. R. H. Tawney. *The Ratan Tata Foundation, (University of London). Bell, London, 1915.*

More common than such attention to the conditions of learnership has been a rearrangement of the work to be done. One obvious opening for ingenuity in the manufacture of clothing is the discovery of better methods of dividing and grouping different parts of the work. In any large tailoring factory work is much divided, and the garment may pass through as many as twenty or thirty

hands before it is completed. But there is no standard method of subdivision, and each firm determines the exact arrangement of processes in accordance with its own predilections. . . . More careful subdivision is perhaps, indeed a factor which partially accounts for the ability of employers paying relatively high wages to compete successfully with those paying relatively low wages. (Page 144.)

The manager of a large factory in the eastern counties states that, though wages have risen, the cost of production is unaltered, because the work is now arranged differently, and a larger output is obtained for the same wage bill. Another firm in the same district introduced a manager from Leeds. He found the factory divided into small sections, each under its own foreman, and within each of which the workers were specialised. Arguing that in a small factory such a degree of specialisation did not pay because the speed of working which it produced was more than counterbalanced by the overlapping between departments, he abolished the system of watertight compartments, trained the workers to several processes, and transferred certain operations from the finishers to the machinists. The result of these and other changes was that, without the piece-rates being advanced, the proportion of piece-workers earning less than the minimum time-rate was reduced from between 40 and 80 per cent. to between 5 and 10 per cent., and that their output for the same hours was estimated to have increased by about 30 per cent. The question of overlapping between departments, which is mentioned in this instance, is, indeed, a crucial one. Owing to the high degree of subdivision which obtains in a clothing factory, the workers engaged upon one process are dependent for work upon the workers engaged in another. If a business is well managed there is a regular flow of work through all departments, so that none are congested and none are without employment. But to arrange the work so that it shall go forward smoothly and without interruption requires careful organisation, and there is a constant tendency for one group of workers to be

overwhelmed with work while another group is slack. (Pages 146-147.)

The Trade Board, by giving as its opinion that piece-workers must earn at least 3¼d. per hour during the whole time that they are in the factory, whether they are actually working or not, has given just the impetus needed to induce hesitating employers to pay attention to tiresome details by which the overlapping between different departments can be prevented or minimised. The result is that there is less waiting for work, and that, on account of this, the same output can be produced in shorter hours, so that, when there is an unavoidable shortage of work in any department, the workers can go home instead of being detained in the factory without anything to do. "We have been steadily reducing the amount of time lost on every machine, with the result that we have increased the output and, if anything, reduced the cost of production." "The Act has not caused any speeding up, but has resulted in a careful investigation being made into the output of the workers. We were surprised to find that there was an average loss of one hour per day by all employees. This has since been diminished." "There is now more careful management and distribution of work, with the result that less time is lost." "There used to be a good deal of time wasted in clothing factories. The girls often were kept waiting for work for an hour or more. Now more attention is paid to management." "Before the Trade Boards Act the factory used to be kept open from 8 to 6, and the workers would not be fully employed all the time. Now the output has increased about 33 per cent., and the hours have been reduced from 9 to 5, as, if the factory had to be closed for a few half-days owing to slackness, some of the girls would leave to go somewhere where there was more work." Such statements on the part of manufacturers show that the anticipation that the minimum rates would lead to more careful organisation has been justified. On the other hand, the change obviously means not only higher earnings, but more continuous work at higher pressure, though sometimes during shorter hours, for the

girls. On the whole, in spite of the complaints of inhuman speeding up, they seem to prefer the new regime to the old, and emphasise particularly the advantage of not being kept waiting for work. (Pages 147-148.)

The Establishment of Legal Minimum Rates in the Box Making Industry Under the Trade Boards Act of 1909. The Ratan Tata Foundation (University of London). M. E. BULKLEY. *With Introduction by* R. H. TAWNEY. *Bell, London, 1915.*

The Effect on the Conditions of Labour.

Apart from the increase in wages brought about by the Trade Board's determination, the conditions of employment have been indirectly affected. In a few cases the hours have been shortened. In a London firm, for instance, the hours were reduced from 55 to 52, and in a firm in the west of England, in which the hours of male workers had previously been 56½, they were cut down to 50, in order to lessen the increase in the wages bill which would otherwise have been necessary. More commonly the nominal working hours have been unchanged, but the work has been reorganized so that there is less waste of time.

It will be remembered that in the tailoring industry, since the Trade Board laid down that the workers must be paid not less than the minimum time-rate for the whole period during which they are in the factory, whether actually working or not, firms have been led to devise means to obviate loss of time, and the same result is to be observed in the boxmaking trade. There is still a good deal of wasted time when orders come in irregularly, as, for instance, at Nottingham, but elsewhere lost time is avoided either by better organisation or by making to stock when orders are slack. "In the majority of factories," said a worker in a west England town, "the work has been reorganized; there used to be no limit to waiting, now there is no waste of time at all; instead of the girls waiting for work they make to stock." (Pages 41-42.)

Elimination of Lost Time.—Great Britain

Lost time may be due not only to defective organisation on the part of the employer, but to unpunctuality on the part of the worker. A striking instance of this is afforded by a firm in a small provincial town where the custom formerly was for the girls to work in teams, the machinist, who was paid by piece, paying what she thought fit to the girls who assisted her. So long as this system continued the firm did not trouble themselves if the machinists were late and the other girls consequently had to wait for work. When, however, the firm had to pay these girls the minimum rate, which meant a considerable advance in wages, they took more care to keep them fully employed and insisted on greater punctuality. This stricter supervision seems to have been a frequent result of the establishment of a minimum wage (though in some cases, particularly in districts where, owing to the great demand for female labour, it is more difficult to enforce strict discipline, the girls are still allowed to come in when they like). "Formerly," said a worker, "we used to go in and out as we pleased; now the firm is more particular." "There is better discipline now," said an employer, "we don't leave the hands to themselves. The forewoman is everywhere. Formerly the girls came in at all hours, *e. g.*, 2 p. m. on Mondays. Now they are forced to be regular in their attendance." "We have put a time recorder in," said another employer; "this showed up a distinct and unexpected average loss of over one hour per day per worker." "When the girls came at eight o'clock," said the employer who had reduced his hours from 55 to 52 per week, "they gossiped a great deal and did not really start work until 8.30. Now they come at 8.30 and begin at once; they do quite as much work in 52 hours as they previously did in 55." "Before the Act," said a worker, "the master did not trouble what a piece worker earned. Now he goes round and notes any who do not earn the minimum and asks the reason; if they have been ill, he says nothing, but if they have been slack, they are told they must work harder." (Pages 43-44.)

Elimination of Lost Time.—Great Britain

The Effect of Minimum Wage Legislation Upon British Industry. B. Seebohm Rowntree (*Director in the Firm of Rowntree and Co., Ltd., Manufacturers of Cocoa*). *Financial Review of Reviews, London, July, 1914.*

The average employer is no more doing his very best than the average piece worker is working at the top of his strength. Each can do a little more if circumstances compel him to do so. And the employer who suddenly finds himself faced by some new conditions which threaten him with loss, will, as a rule, be able to find ways by which at any rate part of it can be obviated. I was recently told of an employer in the paper-box trade who, compelled by the determination of the Trade Board to face a large increase in his wage bill, made a close examination of the organisation of work in his factory. He found that often workers were kept waiting and that the loss from this waste of time which previously had fallen upon them now fell on him. By a little rearrangement he was able entirely to remove this cause of loss. (Pages 781-782.)

(b) ON THE PART OF THE WORKERS.

The facts previously set forth as to the stimulus to the efficiency of the workers resulting from higher wages* is borne out by the experience of those trades in which a legal minimum wage has been set. Owing to the improved health and vigor of the workers it has led directly to increased output.

The Establishment of Minimum Rates in the Tailoring Industry Under the Trade Boards Act of 1909. R. H. TAWNEY. *The Ratan Tata Foundation, (University of London). Bell, London, 1915.*

In spite of the short time that the minimum rates have been in operation, the suggestion that an advance in wages reacts favourably on the efficiency of the workers is, at any rate partially, confirmed by the results of the Tailoring Trade Board. It seems to be a not uncommon experience that an increase in output has followed the establishment of minimum rates, though we are not in a position to say how general it has been. "The girls," said the foreman of a works, "do 33 per cent. more work than before." "Now that the wages have been raised," said another, "it has encouraged the girls to do more. We turn out with 85 workers as much as we previously produced with 100." "The general thing," said the manager of a factory employing 550 workers, "is for the girls to do more work in the same time since the rates came into force. This compensates us for the advance in wages." (Page 121.)

"If anything," stated a manufacturer, "there has been a decrease in the cost of production. The Act has caused an increased output per machine, has increased the steadiness of work, and has diminished the time lost." "The Trade Board rates," said another, "have increased the output per machine, to exactly what extent it is as yet impossible to say." "We get more out of our machines than we did prior to the Act." "The output has been increased owing to the increased earning power of the lower grade of workers." "The Act has

* See page 484.

not raised prices or the cost of production; indeed the latter has probably been slightly lowered." Statements such as these may be supplemented by the figures of some wage sheets which we have been allowed to examine. What they show is that the weekly earnings of the workers have, at any rate in some instances, increased more than in proportion to the increase in piece-rates paid to them. In these cases it seems not unfair to conclude that the output per worker has increased, and that to that extent the cost of higher wages has come neither out of prices nor out of profits. (Pages 121-122-123.)

The suggestion that an advance in piece-rates would react favorably upon the efficiency of the workers was one which a considerable number of employers were disposed at first to dismiss. A view which frequently occurs in the "objections" submitted by them was that the workers did not want to earn more than a low weekly wage, and that the effect of raising the piece-rates would merely be that they would produce less work. The arguments used in support of this opinion were various—that the workers were girls living at home, that they were married women and widows, that they were supported from other sources, and that for these reasons they did not need more than a comparatively low weekly wage. (Pages 124-125.)

We have quoted these forecasts of the effect of a rise in wages because they suggest some of the reasons which cause low wages to be accompanied by low efficiency, and show by contrasts how it is that an advance in the piece-rates has been accompanied by an advance in output. The onus of the arguments used rests on the assumption that women workers, because they are women, are satisfied with a low fixed standard. That this statement represents faithfully the experience of certain manufacturers is undeniable. On the other hand, it was contradicted confidently by others. (Page 125.)

Much is often said of the danger of "discouraging enterprise" on the part of those directing industry. But it is not always sufficiently realized that the enterprise of the worker is equally essential, and that the enter-

prise of the workers is effectually discouraged by such a policy. (Page 127.)

Against the doctrine put forward by certain (though by no means all) southern employers, that workers in their districts differ from those in the north in having a low fixed standard of living, and not "wanting", therefore, more than a certain wage, must be set the statements of other southern manufacturers, and the experience of those north-country firms which have factories in the south and which are therefore in a position to compare the relative efficiency of northern and southern workers. "I established a factory in the south of England," stated a Yorkshire manufacturer to us, "and therefore had an opportunity of discovering whether it was true that the industry was handicapped in the south by inefficient labour. I found that the girls there were just as good workers as in the north, provided they were properly paid. . . . The manufacturers in——are beaten because they pay low wages." "Higher wages," stated another manufacturer in a similar position, "certainly pay us. We let the girls fix the piece-prices for different kinds of work for themselves, and hardly ever pay less than they ask. To be well paid gives the workers dignity and self-respect. They take more pride in and care of themselves. They think they are worth more, and therefore they are worth more. And this evidence is confirmed by the experience of several firms since the establishment of minimum rates by the Trade Board. The increased output which has followed its determination is due, as we shall show later, to other factors besides the increased efficiency of better-paid workers; but that it is due to some extent to that cause there is no doubt whatever. "There was a rise of about 25 per cent. in the finishers' piece-rates," stated a large manufacturer, "in order to bring them up to the minimum. But when the new rates were introduced, the girls earned easily considerably more than the minimum." "Piece-rates have been raised," said another, "on every class of work, and the result of raising them has been to encourage the girls to do more work. Naturally so, for they work more cheerfully. They come to be paid with

very different countenances from what they used to have." "The Trade Board," said the manager of a large firm, "has made 80 to 90 per cent. of the girls more thrifty. You cannot expect a girl who is paid from 8s. to 10s. a week to do much work. Since the rates came into force, the general thing is for the girls to do more work in the same time. Once they have earned the minimum, and felt what it is like to have more money to spend, they go ahead and don't fall back." "Output per head has increased," said another; "as a general rule the girls work better if they are paid more." Indeed, the psychological effect of relatively high and relatively low rates on the workers would appear to be exactly the reverse of that often ascribed to them. So far from low rates "making them work," they often produce listlessness and despair. So far from high rates "encouraging slackness", they stimulate the workers to earn as much as possible while at work upon them. (Pages 131-132-133.)

The Establishment of Legal Minimum Rates in the Box-making Industry Under the Trade Boards Act of 1909. M. E. Bulkley. *With Introduction by* R. H. Tawney. *The Ratan Tata Foundation, (University of London). Bell, London, 1915.*

Everywhere the masters were complaining of the difficulty of obtaining sufficient workers, particularly those with experience, and this difficulty was felt especially in towns where there were many alternative employments for women and girls. . . . As to the efficiency of the workers, the Trade Board was of opinion that this depended far more on the nature of the management of the business than on the size of the town. It cannot be denied that, generally speaking, the standard of efficiency is lower in the south and southeast, *i. e.*, in the districts where wages are relatively low, than in the north, where wages are relatively high. But what the protesting employers did not realize was that inefficiency was a necessary concomitant of low wages and that so long as

wages continued at a low level no great efficiency would be attained.* (Page 17.)

Biennial Report of the Washington Industrial Welfare Commission. 1913-1915.

A garment manufacturer of Seattle, a man whose products come into direct competition with the sweatshop labor of New York and Chicago, and a man, too, who was quite strongly opposed to minimum wage legislation prior to its enactment . . . indicates his approval of the law after a fair trial and reflects the general sentiment among that class of employers that realizes the rights and interests of its employes:

"Personally, I find that my business has been benefited, as the necessity for greater discipline and more rigid enforcement of regular hours of work has become fully apparent. We have raised our average weekly pay roll, I think I am safe in saying, at least $1.00 per girl, if not more. Some of our help, to be sure, have always done their best and have shown but little change, but those who were satisfied with less, the minimum wage has benefited, as they saw they must earn more or quit.

"I am writing you this personal letter about my personal experience in an individual case. It has been a benefit in this factory in raising the standard of efficiency and in forcing a closer application to duty on the part of the operator and necessarily has been a benefit to the employer. I am not in a position to speak for other factories and industries, but, aside from some hardship that the law may work on the less competent, I cannot see why it will not give a greater efficiency to our factory forces." (Pages 14-15.)

* One employer actually urged the fact that "inefficiency and poverty are twin sisters" as a reason for fixing a lower minimum rate. He produced information showing that, out of eight piece-workers (over eighteen years of age) who earned least in one department, their earnings ranging from 7s. 11d. to 10s. 4d., no less than six came from poor homes and had to assist in maintaining aged or invalid parents. Thus, he pointed out, the workers who needed the work most were those who were worth least, and they would have to be dismissed if a minimum of 3d. an hour was fixed. The other side of the question, that these girls were inefficient because their earnings were so low that they could not possibly secure the minimum necessary for physical health, apparently did not occur to him.

Stimulus to Efficiency of Workers.—Australasia

"I didn't know, until the minimum wage went into effect, that it paid to employ higher priced women workers," the manager of a ten-cent store told a member of the Commission, "but it does. They take more interest in their work, take better care of our goods, are more capable, more efficient, more satisfactory in every way" —and these short sentences tell practically the whole story of the effect of the minimum wage. (Page 16.)

Fourth Report of the New York State Factory Investigating Commission. Vol. IV. Appendix VIII. 1915. Minimum Wage Legislation in Australasia. Chap. I. Victoria.

It has frequently been contended that labor under a system of state prescribed minimums will tend to lose the stimulus to progressive improvement. And the contrary of this proposition has been no less assertively stated by the champions of state action. . . . No conclusive information can be given, but it will be worth while to notice some of the aspects of this question. (Pages 1912-1913.)

To an inquiry made of twenty-three representative Victorian employers in 1908, about half held the opinion that no appreciable effect had resulted from the operation of the special boards. The remainder deemed the board system to have strengthened what was perhaps the normal tendency of the times. But no one ventured to say that the board system had tended to reduce the efficiency of the individual employee.*

Statistics are not available to prove or disprove what influence the special board system has had upon the individual efficiency of employees. Still, it is interesting to notice the conditions in eight representative board trades for which figures can be secured (Table No. 18). This table is not based upon the value of output, but upon the quantities of certain standard articles manufactured.

It will be seen that there has been a general increase in the average output per worker of at least 15 per cent.,

* Aves, p. 53.

the lowest variation being 3.7 per cent. in the bacon curing industry.

It should be noted that there has been a falling off in the number of cigars and cigarettes turned out but this is more than balanced by the increased manufacture of cut tobaccos. Upon the whole, it will be seen that in these representative trades employing over 16,000 persons, there has been an increase in the output for each individual engaged. Inasmuch as all of these industries are under board determinations, it cannot be claimed that the board system has seriously reduced the productive capacity of the employees.

In considering the general subject of working efficiency it should be remembered that there has been a constant expansion and specialization of manufacturing processes. The value of the total output per unit of population increased from £24.23 in 1907 to £31.62 in 1911.* From 1904 to 1912 the value of the total output for the state almost doubled, increasing from £23,126,180 to £45,410,773. Much and probably all of this growth would have taken place had there been no labor legislation. But the important fact to notice is that there has been no retrogression. It is of no consequence to contend that mechanical devices have largely brought about the increased efficiency for this is nearly always the case. The important question is whether the legal fixation of wages has caused a speedier adoption of new inventions and better methods than would otherwise have occurred; whether or no the individual employee has become more efficient in the performance of his task. So far the answer to this question seems to be in the affirmative, as the following statement addressed by Mr. Murphy to this Commission tersely indicates:

"To answer your question generally, I think it can be truthfully said that the efficiency of the workers all round is distinctly higher under the minimum wage than it was before."† (Pages 1913-14.)

* Official Year Book of the Commonwealth of Australia, No. 5, p. 1154.

† Appendix III, p. 64 of the Third Report of the N. Y. State Factory Investigating Commission.

TABLE No. 18.

Average Unit Output per Worker in Selected Industries.

Industries	In 1900			In 1912			Increase over 1900	
	Number of workers	Total unit output	Average unit output	Number of workers	Total unit output	Average unit output	Average unit output	Average Per cent.
Bricks	1,432	85,387,275 No.	59,628	2,149	180,724,160 No.	84,096	24,468	41.0
Bacon curing	288	10,267,778 lbs.	35,652	434	16,044,228 lbs.	36,968	1,316	3.7
Butter*	1,400	51,348,839 lbs.	36,677	1,443	64,399,057 lbs.	44,628	7,951	21.6
Flour	733	169,739 tons	231	845	225,376 tons	266	35	15.1
Breweries	1,002	16,162,550 gals.	16,130	1,008	20,247,337 gals.	20,086	3,956	24.5
		1,723,030 lbs.	1,301	.....	5,642,349 lbs.	3,155	1,854	142.5
Tobacco†	1,324	122,595,147 No.	92,594	1,788	120,734,351 No.	61,932	—30,662	—33.1
		2,567,387 yds.	2,085	.....	5,618,098 yds.	3,360	1,275	61.2
Woolens‡	1,231	59,840 pr.	48	1,672	280,113 pr.	167	119	247.9
Boots	5,655	3,513,549 pr.	621	6,774	5,187,384 pr.	766	145	23.3

* Butter and cheese only.
† Cigars and cigarettes.
‡ Blankets, shawls and rugs.
Statistics for 1900, taken from the Victorian Year Book, 1904, pp. 563-572, 587-600.
Statistics for 1912, taken from the Victorian Year Book, 1912-1913, pp. 746, 779-793.

(Page 1915)

The Economic Theory of a Legal Minimum Wage. SIDNEY WEBB. *The Journal of Political Economy, University of Chicago Press, December, 1912.*

If the employer cannot go below a common minimum rate, and is unable to grade the other conditions of employment down to the level of the lowest and most necessitous wage-earner in his establishment, he is economically impelled to do his utmost to raise the level of efficiency of his workers, so as to get the best possible return for the fixed conditions.

. . . It is clear that the aggregate efficiency of the nation's industry is promoted by every situation being filled by the best available candidate. If the old man is engaged instead of the man in the prime of life, because he can be hired at a lower rate, the man of irregular habits rather than the steady worker, because the former is prepared to take smaller wages, there is a clear loss all round. From the point of view of the economist, concerned to secure the highest efficiency of the national industry, it must be counted to the credit of the Legal Minimum Wage that it compels the employer, in his choice of men to fill vacancies, seeing that he cannot get a "cheap hand", for the price that he has to pay, to be always striving to exact greater strength and skill, a higher standard of sobriety and regular attendance, and a superior capacity for responsibility and initiative. This is exactly what has happened in Victoria under the Minimum Wage Law, as it has happened in Great Britain where a definitely fixed minimum has been substituted for the irregular competitive rates. (Page 8.)

The fact that the employer's mind—no longer able to seek profit by "nibbling" at wages—is constantly intent on getting the best possible workmen, silently and imperceptibly reacts on the wage-earners. The young workman, knowing that he cannot secure a preference for employment by offering to put up with worse conditions than the standard, seeks to commend himself by a good character, technical skill, and general intelligence. Under a Legal Minimum Wage there is secured what under perfectly free competition is not secured, not only a con-

stant selection of the most efficient, but also a positive stimulus to the whole class to become more and more efficient. (Pages 8-9.)

Thus, the probable effect of a Legal Minimum Wage on the organization of industry, like its effect on the manual laborer and the brain working manager or entrepreneur, is all in the direction of increasing efficiency. Its effect on the personal character of the operative is in the right direction. It in no way abolishes competition or lessens its intensity. What it does is perpetually to stimulate the selection, for the nation's business, of the most efficient workmen, the best equipped employers, and the most advantageous forms of industry. (Page 13.)

British Sessional Papers. Vol. XIV. 1913. Special Report from the Select Committee on the Trade Boards Act Provisional Orders Bill. Minutes of Evidence.

Mr. G. Stapylton Barnes, Secretary to the Board of Trade:

722.—I will ask you one preliminary question which covers all: In your experience of Trade Boards already in operation what has been the percentage of increase of wages?—The largest increase is probably in connection with the Chain Board. The Chain Board was established to deal with an industry which was extremely badly paid. . . . on an average, so far as we know, the wage worked out at a rate between 1¼d. and 1½d. an hour. The Chain Board in that case fixed a minimum wage of 2½d. an hour, which, in the estimate of some people, was an advance of 60 per cent., and in the estimate of other people an advance of 100 per cent. The satisfactory part now is that we are told that the employers are voluntarily paying more than the minimum rate. They have offered to pay more than the minimum rate in order to keep their workpeople together, and I think the fair inference from that offer is that the employers are doing well. One reason in the estimate of some people why they are doing well is that the efficiency of the labour has really in-

creased owing to the increased wage. Women were not able to do proper work before because they were insufficiently fed. (Pages 51-52.)

The Establishment of Minimum Rates in the Chain-Making Industry Under the Trade Boards Act of 1909. R. H. TAWNEY. *The Ratan Tata Foundation, (University of London). Bell, London, 1914.*

. . . The chain-making industry differs very markedly from two others in which Trade Boards were set up under the Act of 1909, namely, the Wholesale and Ready-Made Bespoke Clothing Trade and the Manufacture of Card-Board, Paper and Chip Boxes. In both those industries, as will be shown in subsequent studies, that aspect of the "economy of high wages", which consists in the effect of an advance in wages upon management, has been conspicuous. (Pages 108-109.)

Though, for the reasons given above, the opportunities for introducing improvements in the process of manufacture are not so numerous as in most factory industries, there are signs that even in the chain-making industry the rise in wages has, as usual, let loose forces making for economies in production. In the first place, the establishment of minimum rates appears to have a distinct effect on the quality of the chain produced. That the low rates paid resulted in inferior work has long been a commonplace. . . . That an improvement in the quality of the chain made would be one effect of setting up the Chain Trade Board was foretold before it was actually established. "I am informed by the Honorary Secretary of the Chainmakers' Association," said a speaker in the House of Commons, when the Trade Boards Bill was under consideration, "that every one of the good employers agrees that this trade should be placed in the schedule of this bill. They say that not only is sweating bad for the employees who receive such miserable wages, but also that it is fatal to the reputation of the trade itself. Only last Saturday I was speaking to the ex-mayor of Dudley, who gave me a concrete

case illustrating this phase of the question. He told me that only a few months ago he was in Canada . . . and when in one of the shipping yards he saw a quantity of chain. He referred to the fact that he was then mayor of Dudley, near Cradley. 'Oh,' said the gentleman to whom he was speaking, 'you know Cradley, do you? All I can say is, we shall have no more chain from Cradley, as the last lot we had was such shoddy stuff that it broke like single wire.' The hope and expectation which the good employers have as to the ultimate effect of this bill is that it will prevent this shoddy manufacture of chain which is being sent abroad to the detriment of the good name of the trade." That this anticipation has to a considerable extent been realized is proved by the evidence both of employers and of workers. The reason is two-fold. On the one hand, since a higher piece rate has to be paid for making the chain, employers insist, as far as they can, on having a better quality which will fetch a better price. (Pages 110-112.)

On the other hand, since the rates have been raised, the workers are no longer obliged to work with the same frantic speed as before in order to make a pittance. They tend, therefore, to work more slowly, and because they work more slowly, to produce better chain.

"Workers," said an employer, "who were earning 5s. a week were quite heedless of the quality of the work done, as the low prices made it necessary to them to work at the highest pressure. Now that they get 11s., they take more pride in their work." "There is certainly a tendency," stated another, "to improve the quality of the chain made. . . . When there was no minimum, the master could say to the workers, 'Quality does not matter; sweat it down as you can.' Now employers demand a better quality of chain." "Formerly," said a shop-owner, "the workers had to work long hours and to rush the work. Now they can make it better because they go more slowly. At the same time employers are trying to get a better class of chain in return for the Trade Board prices. They are really raising the quality of the chain so far as the Trade Board's defini-

tion is concerned." "The rates," said a chainmaker, "used to be so low that the worker had no time to put in good work. Slap chain (the poorest quality) used to be made one-two-three-down! It was exported under false certificates, stating it to be of good quality, 'slap' chain going as 'best'; which in time would have lost us our foreign markets. Now that the rates have been raised, the employers pick the workers more carefully, and won't let them make the chain so fast. Besides, now that the rates are higher, they can afford to work more slowly."

That bad wages produce bad work is an experience as common as it is habitually disregarded, and it is not surprising that with the advance in the prices paid the quality of the chain should have improved. The fact that it has done so suggests that the minimum rate is not likely to stand at any one level for a very long time together. Processes change, and improvements are introduced, and as they are introduced it is natural that an advance in wages should be demanded at the same time. (Pages 112-113.)

Minimum Wage Boards. Florence Kelley, *General Secretary, National Consumers' League. Proceedings of the National Conference of Charities and Corrections, Cleveland, 1912.*

What of the workers whose work is not worth a minimum wage? The compulsory minimum compels the employer to increase in every possible way the efficiency of every worker, in order to make him worth his wage In Victoria, for instance, it is specifically provided that the wage of an employee shall not be less than that which is paid by a reputable concern to an average employee. This spurs the employer to select carefully every person taken on. It spurs the lazy to earn the wage. There is, however, a provision under which incompetent, untrained beginners and aging workers, the deaf, the slow and persons otherwise handicapped may receive a reduced rate specifically prescribed after careful investigation by the

wages boards. But all such workers must be registered, and the number allotted to one establishment is rigidly fixed. This prevents the accumulation in one place of hundreds of unskilled young girls, such as we commonly see in American paper box factories, whose sole recommendation is that they accept a low wage; who learn nothing and make no improvement either for themselves or their industry with the passage of time. (Page 9.)

Third Report of the New York State Factory Investigating Commission, 1914. Appendix 3. Minimum Wage Legislation.

The following list of questions concerning the operation of the minimum wage law in Victoria was sent by the New York Factory Investigating Commission to the office of the Chief Factory Inspector at Melbourne: . . .

Fourth. "Do they [such laws] result in decreasing efficiency?"

In response the following statement was received: (Page 228.)

"My own opinion is that the fixing of a standard wage increases efficiency generally, from the fact that the employer demands in return a standard degree of efficiency. It is true that some of the unions have endeavored to restrict the output, and have in some cases gone so far as to strike for the purpose of enforcing their demands. They have invariably failed. . . . To answer your question generally, I think it can be truthfully said that the efficiency of the workers all round is distinctly higher under the minimum wage than it was before." (Pages 229-230.)

The following list of questions concerning the operation of the minimum wage law in England was sent by the New York Factory Investigating Commission to the office of the Board of Trade at London: . . .

Fourth. "Do they [such laws] result in decreasing efficiency?"

. . . In response the following statement was received: (Page 243.)

"(4) There is no evidence in the possession of the

board to show that the efficiency of workers has been reduced as a result of the fixing of minimum rates of wages. On the contrary, there are indications that in many cases the efficiency of the workers has been increased. The fixing of minimum rates has also resulted in better organization among the employers and in improvements in the equipment and organization of their factories." (Page 244.)

Report of Chief Inspector of Factories of Victoria, 1900. Special Boards.

It is therefore of the utmost importance to the employer that the employee shall be able to earn the wage fixed by the Board. The employee is compelled to do his best to improve in his work by the knowledge that he cannot obtain employment if he cannot earn the legal wage fixed for a person of his experience. The interests of both employer and employee are therefore strongly in favor of the employee increasing in skill and knowledge as he increases in experience. As the time draws near for the compulsory increase in wage, the employer or his agent will urge the employee to renewed efforts at improvement, and the employee has the knowledge that failure to do so will lead to dismissal. The lad who is not suited to the trade, or who is lazy or careless, is soon eliminated under such a system, instead of remaining for some years at a small wage, and then having to leave to swell the great army of unskilled or half-skilled workers. The natural result will be an improved class of workers who will be a credit to their employers, the trade, and the State. (Page 12.)

Ibid. 1902.

In my report for the year 1900 I brought under notice the beneficial effect of the Determinations of Special Boards on the training of juvenile labor in factories. The experience of the past two years has convinced me that my conclusions in this respect then published were correct.

Under the Determinations, apprentices and improvers must year by year receive an increased wage, until finally they are entitled to the minimum wage fixed for skilled workers. For instance, the Clothing Board fixed the following scale for male improvers:

1st month's experience at the trade	2s	6d	per wk.	of	48 hrs.
Next 11 months' experience	10s	6d	per wk.	of	48 hrs.
2nd year's experience	12s	6d	per wk.	of	48 hrs.
3rd year's experience	15s		per wk.	of	48 hrs.
4th year's experience	17s	6d	per wk.	of	48 hrs.
5th year's experience	25s		per wk.	of	48 hrs.
6th year's experience	30s		per wk.	of	48 hrs.
7th year's experience	35s		per wk.	of	48 hrs.

And thereafter 11¼d per hour, or £2 5s per wk. of 48 hrs.

Each year, under these circumstances, it becomes very necessary to the employer to see that the improver is worth the increased wage; the improver is soon informed, if he is at all careless or indifferent as to his work, that he will be discharged when his increase becomes legally due if he does not attend to his work, and fully qualify himself to earn the higher wages.

The effect is that year by year the improver's skill and experience increases, and at the expiration of the seven years, in many cases before that time, he is able to earn and receive the minimum wage. (Page 13.)

(4) Benefit to Wages.

Statistics prove that the establishment of a legal minimum wage has resulted in increased wages, especially to the worst paid workers.

Thus the investigation made by the federal government into the effects of the minimum wage decrees in Oregon showed that the average weekly earnings of women employed in Portland retail stores increased ten per cent. during 1914, as compared with 1913.

Investigation in Australia proves that while the cost of living has been increased as well as wages, there is no evidence to prove that the higher cost of living is due to the increase in earnings. Moreover, wages have risen more than the cost of living, so that the net result has enabled the workers to establish a higher standard of living.

A Living Wage By Legislation. The Oregon Experience. Rev. Edwin V. O'Hara, *Chairman, Industrial Welfare Commission of Oregon. State Printing Department, Salem, 1916.*

The Oregon wage rulings have now been in effect two years, and when proper deductions are made for the financial depression through which we have been passing, the general tendencies of the legislation should be apparent. Fortunately, a painstaking investigation was undertaken jointly by the Federal Industrial Relations Commission and the U. S. Department of Labor concerning the effect of minimum wage determinations in Oregon, especially in the mercantile industry. The report of this investigation was published as Bulletin 176 of the U. S. Bureau of Labor Statistics, July, 1915. The investigators examined the records of forty department, dry-goods, five and ten cent, specialty and neighborhood stores for March and April, 1913, and the same months

of 1914—periods ending five months before and beginning five months after the first minimum wage determinations went into effect. It was confidently predicted that the wage rulings would supplant female labor by male labor; that the higher paid employes would be reduced in wages and that the average wage would not be increased. The investigators report on these points as follows: . . .

Average weekly earnings increased ten per cent. for the total number of women employed in 1914. And this, it will be observed at a time of financial depression when a ten per cent. cut in wages would have occurred except for the wage rulings. (Pages XV-XVI.)

United States Bureau of Labor Statistics. No. 176. Women in Industry Series. No. 6. July, 1915. Effect of Minimum Wage Determinations in Oregon.

The rates of pay for women as a whole have increased. Wherever the wage rates of old employees have been changed since the minimum-wage rulings, the employees were benefited. Some women, upon reinstatement after an absence, were compelled to accept the rate to which they were legally entitled, although it was below that received during their earlier service. The average rates of pay of girls under 18 and of experienced adults have increased; that of inexperienced adults decreased very slightly. While formerly 26 per cent. of the girls under 18 received a rate of less than $6 a week, after the determinations less than 1 per cent. were paid below this rate. More girls under 18 years received over $6 a week after than before the minimum-wage determinations. Among the experienced women not only the proportion getting $9.25 (the legal minimum), but also the proportion getting over $9.25 has increased. The proportion of the force receiving over $12 has also increased, although the actual number has decreased. Some experienced women were receiving rates below the minimum to which the determinations entitled them. (Page 9.)

Rates of Pay Before and After Minimum-Wage Determinations.

All Female Employees.

The minimum-wage determinations aim directly at the rates of pay; here, then, their effect ought to be readily measured. As elsewhere stated, no woman or girl can now be employed in Oregon at a rate less than $6 per week. No woman 18 years of age or over who has been employed more than one year in a store occupation can be employed for less than $9.25 per week in Portland or for less than $8.25 per week in other parts of the State in the same occupation.

In the period covered in 1913 approximately 50 per cent. of the women employed in Portland and Salem stores received a rate of $9.25 or more. The minimum-wage determinations, therefore, legally applied to not more than half the female labor force in retail stores in these cities.

Table 4, which follows, permits a comparison of the rates before and after the minimum-wage determinations, with special reference to the rates fixed thereby. The table relates to inexperienced and experienced adults as well as to those under 18. (Page 17.)

TABLE 4.

Number and Per Cent. of Women and Girls whose Weekly Rates of Pay Before and After the Minimum-Wage Determinations were Under, Equal To, or Over the Minimum Rates Fixed, as Shown by the Pay Rolls of 33 Portland and 7 Salem Retail Stores.

[For girls under 18 and inexperienced adult women of 18 and over the minimum wage is $6; for adult women with more than 1 year of experience it is $9.25 in Portland and $8.25 in other parts of the State.]

Type of store.	Women whose weekly rates of pay were within each classified amount.										Total number.	Average rate of pay per week.
	Under $6		$6		Over $6 and under $9.23 [1]		$9.23 [1] or $9.25		Over $9.25			
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.		
PORTLAND.												
Department, dry-goods, and 5 and 10 cent stores:												
Before determinations..	142	8.7	250	15.3	496	30.4	147	9.0	597	36.6	1,632	$9.69
After determinations...	3	.2	270	19.8	190	13.9	338	24.8	564	41.3 [2]	1,365	10.15
Specialty stores:												
Before determinations..	.....	.....	1	.6	[3] 21	12.6	5	3.0	140	83.8	167	12.68
After determinations...	.....	.....	4	2.2	[3] 20	11.0	18	9.9	139	76.8	181	12.11
Neighborhood stores:												
Before determinations..	1	2.9	2	5.9	[4] 16	47.1	3	8.8	12	35.3	34	9.54
After determinations...	1	5.0	.....	.....	[4] 5	25.0	7	35.0	7	35.0	20	10.28
Total:												
Before determinations.....	143	7.8	253	13.8	533	29.1	155	8.5	749	40.9	1,833	9.96
After determinations.....	4	.3	274	17.5	215	13.7	363	23.2	710	45.3 [2]	1,566	10.38
SALEM.												
Dry-goods, specialty, and 5 and 10 cent stores:												
Before determinations..	8	8.2	1	1.0	[5] 47	48.5	7	7.2	34	35.1	97	9.23
After determinations...	.....	.....	11	11.5	40	41.7	10	10.4	35	36.5	96	9.47
Grand total:												
Before determinations.....	151	7.8	254	13.2	580	30.1	162	8.4	783	40.6	1,930	9.92
After determinations.....	4	.2	285	17.1	255	15.3	373	22.4	745	44.8 [2]	1,662	10.33

[1] Firms fixing wages on a monthly basis pay a minimum of $40 per month, which is equivalent to $9.23 per working week; this rate was accepted by the commission as complying with the determination of $9.25 a week.

[2] Including 20 women whose regular employment began with the opening of a new department on the last day of the period covered in the investigation.

[3] Including 8 women who received in addition to the weekly rate a 2 per cent commission on all sales.

[4] Including 2 women who received in addition to the weekly rate a 1 per cent commission on all sales.

[5] There were 19 women before and 6 women after the minimum-wage determinations receiving over $6 but under $8.25.

Any rate lower than $6 a week was practically abolished in the 40 stores after these determinations went into effect. The per cent. receiving $6 was slightly increased and the per cent. receiving $9.25* (the legal minimum for experienced adults in Portland) was increased from 8.4 per cent. to 22.4 per cent. The per cent. of the force receiving over $9.25 per week was increased from 40.6 per cent. to 44.8 per cent. The average rate of pay for all women employed in the 40 stores increased 41 cents per week in 1914, or from $9.92 to $10.33 per week. As a whole, therefore, the rates of the women employed in these 40 stores have been materially increased since the wage rulings. The only decrease shown in any group of establishments occurred in the specialty stores, the stores paying rates that were out of the reach of the law save in a few instances. This decrease of the average rate from $12.68 to $12.11 per week was not caused by a general reduction of rates of pay for old employees; rather it was due to a taking on of additional help at the legal rates of $6 and $9.25, rates slightly lower than the rates formerly paid to women entering the stores for the first time. (Page 19.)

About 28 per cent. of the experienced adult women employed in Portland stores received less than $9.25 per week before the minimum-wage determinations; 60 per cent. received more than that amount. . . . After the rulings had gone into effect there were 102, or 9 per cent. of the total number, who were still receiving less than the legal minimum.† The numbers receiving $9.25 per week had increased from 12 per cent. to about 30 per cent. of the total number, while the per cent. getting more

* A monthly rate of $40, equivalent to $9.23 a week, was regarded by the commission as a compliance with the determinations.

† Owing to the fact that the constitutionality of the minimum-wage law was under consideration by the State supreme court, some merchants were slow in complying with the law. There were evidences that the number of violations were decreasing. The State commissioner of labor statistics and inspector of factories and workshops is responsible for the enforcement of these decisions. A fine or imprisonment, or both, can be imposed for violations and the girl discriminated against may collect all back wages due her. No prosecutions against retail store merchants for violations of the minimum-wage determination were recorded by this bureau in its biennial report for the period ending Sept. 30, 1914.

than $9.25 remained substantially the same. The average rate of pay for experienced adult women in Portland was increased 23 cents per week, or from $11.74 to $11.97. (Pages 22-23.)

Average Weekly Earnings Before and After Minimum-Wage Determinations.

More important to the wage-earning woman than her rate of pay is the amount of money she actually earns. Her rate may be high, and yet if her employment is not steady, if she is asked to lay off one day a week, or if she is frequently ill, her earnings may fall below the wage determined by the commission to be the minimum required for healthful living. No attempt was made in this study to determine the causes of absences.* How many hours she worked and how much money she received for her services in two normal months before and after the minimum-wage determinations were among the more important objects of this study.

The average weekly earnings and hours of labor before and after the minimum-wage determinations, with per cent. of increase or decrease after the determinations, are shown in Table 8. The average weekly earnings from commissions and P. M.'s are separately shown.

* The amount and causes of unemployment among retail store women in Boston was the subject of a special study, the results of which will appear in Bulletin of the United States Bureau of Labor Statistics, No. 182.

TABLE 8.

Average Weekly Earnings and Hours of Labor of Women and Girls Before and After Minimum-Wage Determinations, with Per Cent. of Increase or Decrease after Determinations, in 33 Portland and 7 Salem Retail Stores.

Type of store.	Number of women.	Average weekly wages.	Average weekly P. M.'s.	Average weekly commissions.	Total average weekly earnings.
PORTLAND.					
Department, dry-goods, and 5 and 10 cent stores:					
Before determinations	1,632	$7.87	$0.022	.....	$7.89
After determinations	1,345	$8.65	$0.017	$0.004	$8.67
Per cent increase (+) or decrease (−)	.....	+9.9	−22.7	.....	+10.0
Specialty stores:					
Before determinations	167	$9.85	$0.11	$0.24	$10.20
After determinations	181	$9.67	$0.05	$0.24	$9.96
Per cent increase (+) or decrease (−)	.....	−1.8	−54.5	.....	−2.4
Neighborhood stores:					
Before determinations	34	$9.16	$0.41	$0.09	$9.66
After determinations	20	$10.23	.....	$0.08	$10.31
Per cent increase (+) or decrease (−)	.....	+11.7	−100.0	−11.1	+6.7
Total:					
Before determinations	1,833	$8.07	$0.04	$0.02	$8.13
After determinations	1,546	$8.79	$0.02	$0.04	$8.85
Per cent increase (+) or decrease (−)	.....	+8.9	−50.0	+100.0	+8.9
SALEM.					
Dry-goods, specialty, and 5 and 10 cent stores:					
Before determinations	97	$7.65	.....	$0.013	$7.66
After determinations	96	$8.15	.....	$0.023	$8.17
Per cent increase (+) or decrease (−)	.....	+6.5	.....	+76.9	+6.8
Grand total:					
Before determinations	1,930	$8.05	$0.04	$0.02	$8.11
After determinations	1,642	$8.76	$0.02	$0.03	$8.81
Per cent increase (+) or decrease (−)	.....	+8.8	−50.0	+50.0	+8.6

(Page 24.)

With less than a quarter of an hour more of service per week in the 1914 period, women were paid on the average $8.76 in wages after the minimum-wage determinations, as against $8.05 before, an increase of 71 cents per week, or 8.8 per cent. The additional sums affecting earnings and commonly known as P. M.'s, paid for selling certain lines of goods, and bonuses paid for finding mistakes in sales checks, have been fewer in number and

less in amount since the minimum-wage determinations. As the average amount received per week from these sources was but 4 cents, the decrease of 50 per cent. in P. M.'s and bonuses, or 2 cents, means very little in the earnings of the average woman. This is especially so since the custom of granting commissions either on all sales or sales above a specified amount has increased slightly. The average commission earned by all girls was 3 cents, as against 2 cents per week in 1913. The average weekly earnings for these store employees totaled, therefore, $8.11 before and $8.81 after the minimum-wage determinations.

These earnings are $1.81 less per week in 1913 and $1.52 less per week in 1914 than the average rate of pay for the respective periods. In other words, the average earnings for all women increased 8.6 per cent. while the average rates of pay increased but 4.1 per cent.* (Pages 25-26.)

Portland Department, Dry-Goods and 5 and 10-Cent Stores.

The average weekly earnings of all women (1,345) in the six department, dry-goods, and 5 and 10-cent stores increased 10 per cent., or from $7.89 to $8.67 per week after the minimum-wage determinations. This increase occurred almost entirely in the average weekly wages; the amount paid in premiums, commonly known as P. M.'s, averaged the same in both years, and the commission system, which had not been in use in 1913, netted the women on an average of less than 1 cent a week. This percentage of increase in earnings was approximately twice as great as the increase occurring in the rates of pay. Its relation to rates differed, however, in the several occupations. (Page 52.)

*See Table 4, p. 18.

Massachusetts Minimum Wage Commission. Bulletin No. 12, November, 1916. Preliminary Report on the Effect of the Minimum Wage in Massachusetts Retail Stores.

The Commission finds . . .

3. That on or about Jan. 1, 1916, when the Commission's recommendations became effective, the wages of nearly 40 per cent. of all the women and girls employed in over 900 stores, from which information was obtained, were raised. In stores where wages were raised in pursuance of the Commission's recommendations, the percentage of wage increases was 46 per cent.; in stores where the wages previously paid were not less than the minimum rates recommended by the Commission, the percentage of wage increases was 20 per cent.; in stores where lower wages were previously paid, and where there was no attempt to follow the Commission's recommendations, the percentage of wage increases was also about 20 per cent., but would probably have been less but for the publicity given to the Commission's recommendations. Altogether nearly 6,000 women and girls received increases of wages, more than nine-tenths of whom were employed in stores which raised wages in pursuance of the Commission's recommendations.

4. That the increases of wages amounted in a majority of cases to at least $1 a week, and in many cases to $2 or $3 or more. There were comparatively few cases in which the wages of women receiving more than the minimum rates recommended by the Commission were reduced. The number of such cases, moreover, was less in proportion to the total number of employees in stores following the Commission's recommendations than in those not following them. (Pages 5-6.)

Upon these findings, as set forth in full in its report, the Commission bases the following conclusions:

1. That most experienced women employed in retail stores in Massachusetts are now receiving not less than the rate recommended by the wage board and approved by the Commission, and that most learners and appren-

tices are now employed under more favorable conditions and with better prospects than ever before.

2. That no such general increase in wages as has actually occurred would have taken place but for the operation of the minimum wage law. (Page 7.)

In all the establishments inspected up to Sept. 7, 1916, only 987 women, or 6.2 per cent. of the total number of full-time workers, received less than the recommended minimum rates. Fifteen thousand and forty-nine women, or 93.8 per cent. of the total number, received not less than the rates to which they were entitled on the basis of their age and experience. That the great majority of the establishments which had formally notified the Commission of their acceptance of its recommendations had done so in good faith is shown by the fact that only 3 of these establishments had made no attempt to follow the Commission's recommendations, and in the 167 establishments in this group only 1.8 per cent. of the women employed as full-time workers were receiving less than the prescribed minimum wage. The inspection of the pay rolls of retail stores shows, therefore, not only that practically all of the proprietors of establishments published as formally accepting the Commission's recommendations did so in good faith, but also that by far the greater number of other retail establishments throughout the State, large and small, are at present following or seriously attempting to follow the recommendations of the Commission. (Page 15.)

Principles of Labor Legislation. JOHN R. COMMONS *and* JOHN B. ANDREWS. *Harpers, New York, 1916.*

Perhaps the first question to be considered is whether the laws have succeeded in raising wage rates. Nearly all the evidence so far collected goes to show that they have. Some instances of failure are known. In Victoria, for instance, it has proved difficult to maintain the legal rate in the furniture trade among the Chinese. . . . and in England the custom of distributing work through

middlemen, and the depression of the industry, led to evasions in the lace-finishing trade. . . . But on the whole, in the different countries and in the various industries, the awards of the wage boards have been found to be effective. In Victoria, official reports show, average wage rates increased 7.6 per cent. in thirteen board trades in a period of about five years before awards were made, but 16.5 per cent. in these and in six additional board trades during a similar period after awards were made. In six trades a period of decline in wage rates became a period of advance after the making of awards. During the whole time wage-rate advances in twelve non-board trades amounted to 11.6 per cent. In the English chain-making industry 56.7 per cent. of the male mastermen and 61.3 per cent. of the journeymen earned less than 15 shillings a week in 1911. In 1913, after the award by the trade board, only 1.3 per cent. of the mastermen and 0.7 per cent. of the journeyman earned so little. In the branches of the English tailoring trade covered by the trade board, it is estimated that about one-third of the women and between one-fourth and one-fifth of the men have received increases in their earnings. In Washington the industrial welfare commission states that in twenty-four stores, before the minimum wage award, 1,758 women received less than $10 weekly, . . . the number of workers remaining approximately the same. A report of the United States Bureau of Labor Statistics on the effect of minimum wage determinations in Oregon retail stores indicated that average weekly earnings of women were 8.6 per cent. higher in the face of a business depression which caused an 8 per cent. decrease in the sales of these stores. A year after its decree in the brush industry, the Massachusetts Minimum Wage Commission found that only five, or 1 per cent. of the employees whose wage records it took, were receiving less than the legal minimum. (Pages 190-191.)

Biennial Report of the Washington Industrial Welfare Commission, 1913-1915.

Seldom has any piece of legislation, in prospect, engendered so much discussion and so much criticism, as did the minimum wage law, with the intricacies of its ramifications touching almost every industry in the state, large or small, and the family of nearly every wage-earner; seldom, too, has any law, in actuality, been so well received, its application been accomplished with so little open opposition and, for a law of this character, has been attended with so little industrial disturbance, as that same minimum wage law. . . .

These statements are based on a survey of three of the leading industries of the state, three of those in which the minimum wage was first established—mercantile establishments, laundries and telephone exchanges—which will be found in detail in a later chapter of this report. That these effects are true is all the more remarkable from the fact that business conditions existing at the time the wage orders went into effect were not such as in themselves to secure a favorable reception.

The sequence of it all is that there are vastly more women workers in the state of Washington to-day receiving a living wage than there were two years ago when the law was enacted; that there are more higher paid girls now than there were then; that the whole wage standard, together with the standard of efficiency and discipline, has been raised; that industry itself has been taught the lesson that higher paid workers are better workers. (Page 13.)

Some idea of the industrial effect of this legislation can be gained when it is realized that the Industrial Welfare Commission's preliminary surveys of the factories, stores, laundries and telephone exchanges of the

state showed that sixty per cent. of the women employed were receiving less than a living wage prior to the application of the law, except in the stores where the ratio ran about fifty per cent. The law, in other words, has advanced the wages of practically sixty per cent. of the workers in these industries and has done it without serious opposition at a time when business conditions were none too good and when there was every incentive for the employer, if he had desired to hide behind the minimum wage law and the dire predictions previously made, to offset the effect of the increased wages on his expenses by the employment of cheaper labor of whatever kind was available. To be sure, that excuse has been used to some extent, particularly where the employer wanted to get rid of a woman worker for some other reason, but a careful study of the statistics elsewhere published and the summaries of them, will convince even the most ardent opponent of minimum wage legislation that the women workers have neither been dismissed nor displaced by cheaper employees. (Pages 14-15.)

Summary of Wage Survey.

Following is a detailed summary of the effects of the minimum wage as shown in the preceding tables.

Mercantile Employment.

An analysis of Table No. 1, on Page 70, shows:

(1) That in 1913, 1,758 girls in twenty-four mercantile stores were receiving less than $10.00 per week, while in 1914 there were but 561 receiving less than that amount.

(3) That in 1913 there were only 370 women receiving $10.00 per week, but in 1914, after the minimum wage became effective, this was increased to 1,323, showing that 953 women, out of a total of 1,758 or 54 per cent. were advanced to the minimum wage. (Pages 79-80.)

*Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. IV. Appendix VIII. Minimum Wage Legislation in Australasia. Chap. I. Victoria.**

Created during a period of unusual industrial depression, the Victorian system of wages boards was designed to remedy some of the worst evils of sweating and underpayment. In doing this it has been eminently successful. . . . As a result of the operations of the boards, wages have raised, but not to the extent that has often been claimed. The average increases of wages has been greater in the board than in the non-board trades, but this may be due to the fact that the former are larger and more important. It is significant that after a determination comes into effect, wages do not apparently increase faster in a board than in a non-board trade. Hence the greatest impetus to wages comes during the determination year. But this initial raise is often of vital import, as we have seen in the clothing industries. Not the least in importance is the indirect effect of board determinations in maintaining the wage scale in non-board trades higher than it might otherwise be. (Page 1953.)

Chapter II. New Zealand.

Although not chiefly inspired by the evils of sweating, the arbitration system, like the wages boards, have invoked the minimum wage to put an end to sweating. (Page 1967.)

Although many awards have left the conditions of industry unaltered, the policy of the Court has been in the main to continue to fix wages and hours at a higher level. In 1912 there were but three cases in the whole series of awards in which wages had been decreased or hours

* For earlier studies embodying similar conclusions after shorter experience see Newest England, Henry Demarest Lloyd. Doubleday, Page & Co., New York, 1900. Page 238.

State Arbitration and the Minimum Wage in Australia, H. W. Macrosty. Political Science Quarterly. March, 1903. Page 136.

The Report of the Victorian Industrial Commission, A. S. Weber, Quarterly Journal of Economics, August, 1903. Pages 625, 636, 640.

increased.* There is no accurate way in which to measure the effect of these awards, but a comparison of census statistics indicates the trend of rising wages. From 1896 to 1911 the average wages of men in all classes of manufacturing enterprise increased from £77 5s., to £115 2s. per year, a gain of forty-nine per cent. The average remuneration of women increased 69.5 per cent. during the same period, while the percentage increase for both sexes was 42.3. When specific industries are considered, it will be seen that the gains have often been even greater, especially in the flax and rope and twine mills. The following tables give the wages in detail for fifteen selected industries. In considering these figures, it must be borne in mind that they are not the averages for adults only, but for workers of all ages. Another fact to be remembered is that in 1911, the census year, industry was just emerging from a period of depression. Hence the figures for that year are somewhat lower than they otherwise would be.

* Summary of Awards, Recommendations and Agreements, 1912, p. 19.

Table 19.

Total and Average Wages Paid Annually, 1896 and 1911*. All Factories and Works.

Census Year	MALES			FEMALES			ALL EMPLOYEES		
	Number of Employees	Total wages £	Average wage £ s	Number of Employees	Total wages £	Average wage £ s	Number of Employees	Total wages £	Average wage £ s
1896	22,986	1,776,076	77 5	4,403	131,516	29 17	27,389	1,907,592	69 12
1911	42,267	4,865,426	115 2	13,967	706,844	50 12	56,234	5,572,270	99 2

*Figures from the census reports of New Zealand.

TABLE No. 20

Total and Average Wages Paid in Selected Industries in 1896 and 1911*

INDUSTRY	Census	Number of employees	Total Wages £	Average Wage £	Average Wage s	Per Cent increase in average wage
Butter and cheese	1896	576	40,157	69	14	.....
	1911	1,504	170,065	113	1	62.2
Breweries	1896	465	57,327	123	5	.....
	1911	741	109,544	147	16	19.9
Aerated water	1896	347	21,445	61	16	.....
	1911	570	62,937	110	10	78.8
Saw mills	1896	4,059	323,223	79	12	.....
	1911	6,877	774,402	112	9	41.2
Brick, tile and pottery	1896	455	28,229	62	0	.....
	1911	966	112,328	116	5	87.5
Printing and bookbinding	1896	2,351	216,302	92	0	.....
	1911	4,222	490,246	113	14	23.5
Agricultural implements	1896	581	44,581	76	14	.....
	1911	646	81,026	125	4	63.2
Coach building and painting	1896	807	57,377	71	2	.....
	1911	1,439	149,806	104	2	46.4
Tanneries and fellmongeries	1896	1,629	116,983	71	16	.....
	1911	1,372	136,875	99	15	39.5
Woolen mills	1896	1,416	91,619	64	14	.....
	1911	1,410	137,161	97	5	51.8
Flax mills	1896	647	17,544	27	2	.....
	1911	1,244	143,895	115	13	326.7
Saddlery and harness	1896	266	15,904	59	15	.....
	1911	594	62,482	105	3	75.9
Rope and twine	1896	150	6,840	45	12	.....
	1911	190	20,377	107	5	137.4
Furniture	1896	496	34,044	68	12	.....
	1911	1,689	178,042	105	8	53.6
Clothing, boots and shoes	1896	4,407	210,463	47	15	.....
	1911	5,009	367,445	73	7	53.6

* Figures from the Census Reports of New Zealand.

(Pages 2036-2038.)

There is ample evidence that the cost of living to the average person has materially increased during the last decade or two. . . . It is apparent that the higher cost of living cannot be attributed to any single factor or combination of factors. (Pages 2042-2043.)

The extent to which wages keep pace with the cost of living is one of the fundamental questions relative to that object. The study of the Commission has shown that wages and prices in New Zealand have pursued almost parallel courses for the greater part of the last twenty years. The higher wages paid have been sufficient not only to preserve the old standard of living at the increased prices, but to add considerably to the comforts and common luxuries consumed. This is attested by the fact that the present relative outlay on other items than the bare necessaries of life is much greater than it was formerly. The general conclusion reached is that while the standard of living has risen very considerably, it has risen because of the growing surplus of income left after paying the cost of living.* (Page 2043.)

Chapter III. New South Wales.

The factor determining the real benefit of wage increases to the workingman is the cost of living. The ratio maintained between these economical factors does not differ much from that already observed in Victoria and New Zealand. As we have seen, the average wages of factory hands of all ages and both sexes increased almost 40 per cent. from 1906 to 1912, according to Mr. Trivett, the Government Statistician. Taking 150 occupations in the state as a basis, Mr. Knibbs, the Commonwealth Statistician, has found that on the average, wages increased 23.3 per cent. from 1901 to 1912.† The rates of wages increase for most of the trades have been even higher than this. Turning now to the cost of living, we find that according to the Statistics Bureau of the Commonwealth, the cost of subsistence as measured by the purchasing power of money has risen about 23 per cent. since 1901.‡ At the same time it is generally admitted that there has been a larger variety in the demands of the people and a rise in the quantity of articles con-

* Cost of Living Commission, 1912, p. civ.
† Official Year Book of the Commonwealth of Australia, 1913, p. 1129.
‡ Commonwealth Bureau of Census and Statistics, Labour Bulletin No. 4, p. 258.

sumed. In short, the standard of living has risen as well as the cost of living. (Page 2091.)

Chapter IV. Wage Legislation in Western Australia, South Australia, Queensland and Tasmania.

Queensland.

As the first act in this state practically dates from 1909, no such comparison of wages is possible as in some of the other states. . . . In the opinion of employers in 1909, the average increase of the minimum rates fixed amounted to 12 per cent. and in some trades was equal to 20 per cent.* Since then there have been still further advances. Without giving detailed statistics, the following quotation of the Department of Labor sufficiently shows the advance of wages in recent years: "The determinations have, with one exception considerably raised the average of wages paid, as a comparative perusal of the appendices of this and preceding Annual Reports will show. In some instances the increase in the weekly wage amounts to over 50 per cent., and, generally speaking, the rates of piece-work have been increased very much in comparison with those prevailing prior to 1908." (Pages 2192-93.)

Tasmania.

According to the tables compiled by the Factory Department, there has been a general increase of wages of from 15 to 56 per cent. in those trades now controlled by board determinations. There has likewise been an increase of 25 per cent. in the cost of provisions and of 55 per cent. in rents, but at the same time there has been an improvement in the standard of living. The amount of unemployment is lower here than in any other state of the Commonwealth.† Comparatively little time is lost through industrial warfare, so that taking all factors into consideration, it would seem that labor is fairly holding its own. (Page 2199.)

* Report of the Queensland Employers' Fed. Annual Meeting, 1909, p. 5.

† Commonwealth Bureau of Census and Statistics, Bulletin No. 5, p. 13.

Chapter VI. Summary and Conclusions.

Like the rise in the wage scale, the increase in the cost of living has been a general phase of recent economic history. It is doubtless true that the effect of wage legislation has been to increase the prices of certain articles to the general public. Capitalistic combines have seized upon wage determinations as an excuse for raising prices even beyond the increase in wages. In some cases such increases have followed a genuine rise in the cost of production. But taking conditions in Australasia as a whole, for the period preceding 1912, there is no evidence to prove that the increase in cost of living outstripped the rise in wages. Allowing for the change in the cost of living, the figures of the Commonwealth Statistician show that in Australia as a whole, effective wages increased almost four per cent. from 1901 to 1911. (Pages 2242-43.)

Commonwealth of Australia. Bureau of Census and Statistics. Official Year Book, No. 8, 1915.

Amount of Salaries and Wages Paid and Average Amount Per Annum Paid Per Employee, 1908 to 1913.

Year.	Particulars	N. S. W. £	Vic. £	Q'land. £	S. Aust. £	W. Aust. £	Tas. £	C'wlth. £
1908	Total amount paid	7,218,556	6,380,296	2,192,015	1,924,974	1,474,934	693,592	19,884,367
	Average per employee	84.72	71.59	78.28	83.55	123.56	84.43	80.99
1909	Total amount paid	7,665,125	6,807,851	2,324,005	2,028,691	1,506,360	779,624	21,111,656
	Average per employee	87.27	73.57	82.09	83.08	122.08	86.44	82.97
1910	Total amount paid	8,687,007	7,600,932	2,830,704	2,323,398	1,683,657	740,463	23,866,161
	Average per employee	90.78	78.18	86.79	90.44	123.93	78.81	87.04
1911	Total amount paid	10,047,656	8,911,019	3,113,835	2,645,386	1,982,883	827,592	27,528,371
	Average per employee	96.35	83.48	87.15	99.64	129.80	84.47	92.26
1912	Total amount paid	11,592,052	10,102,244	3,699,065	2,869,653	2,169,144	855,334	31,287,492
	Average per employee	104.44	91.19	93.88	105.62	136.67	90.41	99.74
1913	Total amount paid	12,683,384	10,714,336	4,075,191	3,034,537	2,215,187	883,452	33,606,087
	Average per employee	109.66	94.74	100.05	111.66	132.31	95.18	104.14

(Page 458.)

The Establishment of Minimum Rates in the Tailoring Industry Under the Trade Boards Act of 1909. R. H. Tawney. *The Ratan Tata Foundation, (University of London). Bell, London, 1915.*

The Direct Effect of the Trade Board on Wages.

The main question, however, is of course, the effect of the Trade Board upon wages. (Page 64.)

. . . When this inquiry was begun, it was hoped that it would be possible to produce a fairly complete account of the difference in piece-rates, workers' earnings, and wages bills caused by the establishment of the minimum rates, such as was given for chainmakers in our previous report on the chainmaking industry. It soon became evident, however, that any exact or general comparison between the conditions obtaining in the matter of wages before and after 20th February, 1913, when the rates became obligatory, was out of the question. The difficulty did not consist merely in the extent of the ground to be covered, though, as there are some 145,000 workers under the Tailoring Board, that was real enough. It lay in the virtual impossibility of obtaining evidence on the subject of wages from such firms as were approached of a sufficiently precise and exhaustive character to be expressed in a tabular form. (Pages 64-65.)

All we can hope to do is to give the reader some indication of what the effect of the Trade Board upon wages has been, to present such cases as have come to light of striking increases in the piece-rates and earnings of workers, to indicate how far the evidence collected in the course of our inquiries shows them to be typical or exceptional, both of the country as a whole, or of special districts, and to test these results by reference to the Inquiry into Earnings and Hours of Labour which was made by the Board of Trade in 1906. (Page 66.)

. . . The minimum time-rate for women was fixed, it will be remembered, at 3¼d. per hour, with the provision that an employer should be held *prima facie* to be complying with the Board's determination if 80 per cent. of his workers on each piece-rate were earning 3¼d. per

hour or more. Though there are a few firms where women are employed on day-wages, the vast majority of women are piece-workers; and in considering what influence the Board has had upon wages, the first question to be asked is in how many firms have either (1) piece-rates or (2) weekly earnings of adult women workers been increased. (Pages 67-68.)

TABLE III.

	(i) Number of firms	(ii) Number of firms where piece-rates and weekly earnings raised	(iii) Number of firms where piece-rates not raised	(iv) Number of firms where time-rates increased, or weekly earnings increased without advance in piece-rates
North-Eastern District	25	1	24	2
North-Western District	70	5	49	17
South Midlands and South-Western Districts	22	14	6	6
London	25	18	7	3
Eastern District	9	9	.....	.....
Total	151	47	86	28

(Page 67.)

An attempt to answer this question for a small group of firms is made in Table III above.

This table shows that at 47 out of 151 firms some piece-rates have been raised, and that at 28 firms the weekly earnings of some workers have been increased apart from any rise in piece-rates, as a result of the Trade Board's determination. It does not, however, give any idea of the proportion of workers affected. On this point, also, statistical evidence is deficient. Such as it is, it is presented in Table IV.

According to this table, out of 177 workers who gave information with regard to their wages, 113, or 63.8 per cent., had experienced no change as a result of the Trade Board's determination; 55, or 31 per cent., had had their weekly earnings raised, either by an increase in the piece-rates, or by means of improved organization without any advance in the piece-rates; 9 had had their piece-rates reduced.

It is evident from these figures that the Tailoring Trade Board has not brought about any *general* increase in wages, such as is the result of an advance secured by a Trade Union, or such as was effected by the Chain Trade Board. The workers affected are, roughly, the third of the trade which, prior to the issue of the Trade Board's determination, was most poorly paid. (Pages 68-69.)

TABLE IV.

	Number of workers who gave information	No change	Piece-rates raised	Weekly earnings increased without evidence as to rise in piece-rates	Piece-rates reduced
Scotland, North-Eastern and North-Western Districts	123	88	16	17	2
South Midland, South-Western, and South-Eastern Districts	54	25	19	3	7
Total.....	177	113	35	20	9

(Page 69.)

It will be seen that different parts of the country have been affected in very different degrees by the Trade Board's determination. In other words . . . Of the 47 firms out of 151 which raised their piece-rates as a result of the Trade Board's determination, 41 were situated in the southern districts, 6 in the northern. . . .

Out of 123 workers in the Scottish, North-Eastern and North-Western districts, who gave information with regard to their wages, only 16 stated that their piece-rates had been raised; while of the 54 workers in the Midland and Southern districts, 19, or 35.2 per cent., had had a rise in their piece-rates. (Pages 69-70.)

Our figures suggest, then, that about one-third of the women employed in the branches of the tailoring trade which come within the scope of the Trade Board have received an advance in wages. But, of course, in districts where wages are lowest, and in the firms which in the past have paid worst, the proportion affected is considerably larger. Our information does not enable us to show the amount by which the wages of workers in such districts and firms have been increased; but, though any quantitative estimate is impossible, it is easy, and it is perhaps not altogether useless, to cite facts showing that in certain establishments weekly wages, wage bills and piece-rates have increased considerably. (Page 71.)

The evidence so far presented is obviously extremely partial and inadequate, and requires to be examined in the light of the census of wages contained in the Report* of the Board of Trade upon the Earnings and Hours of Labour of Workers in the Clothing Trades in 1906. (Page 75.)

The wage census of 1906 offers a fairly reliable basis from which to start. Its grouping of the wages of 11,372 women engaged in ready-made tailoring is set out in the following table. It should be noted that the average working week to which these figures relate was found by the Board of Trade to be 51.2 hours, whereas the Trade Board's minimum of 13s. 6½d. is based on a week of 50 hours; that the earnings are those of factory workers only, not of homeworkers; and that the returns were probably supplied by employers above rather than below the average in the matter of wages. For these reasons the advance caused by the Trade Board is greater than these figures would indicate.

It will be seen that, in 1906, out of 11,372 workers,

* Cd. 4844 of 1909.

6,210, or 54.4 per cent., were earning wages less than 13s. a week, and 930, or 8.2 per cent., between 13s. and 14s., which means that about 58 per cent. of all the women in the ready-made tailoring industry were earning less than 13s. 6½d. The percentage rule adopted by the Tailoring Board permits that 20 per cent. of these may, in ordinary circumstances, continue to earn less than the minimum. The remainder must now earn at least 3¼d. an hour, or 13s. 6½d. for a week of 50 hours. According to these figures, therefore, at least 38 per cent. of the women engaged in making ready-made clothing must have received some advance in their wages as a result of the Trade Board's determination. This conclusion is in rough agreement with the figures given above, which show that of the 177 workers who supplied information, 31 per cent. had received an increase. (Pages 76-78.)

All one can say is that at least 38 per cent.* of the workers represented on that table, and an uncertain proportion in addition, have had an advance on the wages of 1906. (Page 80.)

The Establishment of Legal Minimum Rates in the Box-making Industry Under the Trades Boards Act of 1909. M. E. Bulkley. *With Introduction by* R. H. Tawney. *The Ratan Tata Foundation, (University of London). Bell, London, 1915.*

The minimum time-rate for women, it will be remembered, was fixed by the Trade Board at 3d. an hour, with the proviso that an employer should be held *prima facie* to be complying with the Board's determination if 85 per cent. of his workers were earning 3d. an hour or more. Let us consider first in how many of the firms which we visited have the weekly earnings of women been increased since the fixing of the minimum rates. . . . The following table will give some indication of the effects of the Trade Board rates:

I. e., 58 per cent. (the proportion in Table V earning below the minimum), less 20 per cent., who may, in certain circumstances, continue to earn below the minimum.

TABLE II.

Effect of Trade Board on Women's Wages.

DISTRICT	NUMBER OF FIRMS: In which wages of time-workers were raised	In which piece-rates were raised	In which weekly earnings were increased without rise in piece-rates (i. e. by better organization)	In which weekly earnings were increased but information insufficient to determine by what means	In which no change was made	Total
London	2	18	—	4	14	38
Norwich	1	4	—	1	—	6
Birmingham and district and Bristol	4	11	3	2	13	33
Leicestershire and Northamptonshire	5	1	3	—	9	18
Nottingham.....	1	—	—	—	5	6
Newcastle, Manchester, Liverpool and Warrington.....	3	1	—	1	2	7
	16	35	6	8	43	108

The conclusions to be drawn from these figures must be only tentative, owing to the small number of returns. It will be seen that earnings had been increased in 65 out of the 108 firms; as a rule it had been found necessary to raise piece-rates or the weekly wages of time-workers, though in at least six cases weekly earnings had been increased without any change in the piece-rates, by means of better organization. The table does not, of course, give any idea of the number of workers affected. Nor does it show the extent of the increase. . . . (Page 28.)

That the fixing of the minimum rate at 3d. must have caused a considerable increase in wages in some parts of the country (more especially the east, the south, parts of the Midlands and Scotland) is apparent from the objections urged by employers when the rate was proposed. (Page 29.)

The conclusion suggested by these objections is borne out by the information given us by employers. In one firm the wages of inworkers have been raised 2s. 3d. since the Act; in another they have been raised by 2s. or 3s.;

in a third the wages of the women ranged from 9s. to 15s. and now range from 13s. to 15s. In a fourth women's wages have increased all round; whereas they used to earn from 10s. to 15s. a week, they now earn from 13s. to 17s. In a fifth the average wage for girls over twenty-one years was 11s., no time workers getting more than 2½d. an hour; they now earn at the rate of 3d. or 3½d. an hour. In a firm in the northwest of England, out of 183 women and girls (including learners), eighty-nine had to have their wages increased when the minimum rates were fixed, by amounts varying from 6d. to 5s. 5d. a week. . . . (Pages 30-31.)

The details given above, meagre as they are, point to the conclusion that the Trade Board's determination has been of great benefit to the more poorly paid section of the women workers in the boxmaking industry. They may be supplemented by a study of the Board of Trade's Report on Earnings and Hours of Labour in 1906. (Page 31.)

. . . On the assumption that the wages were substantially the same in March, 1912, as in September, 1906,* some 52 per cent. of the indoor workers must have had their wages raised as a result of the Trade Board's determination. And this does not show the whole extent of the change, for where piece-rates have been raised in order to bring the slower workers up to the minimum, the quick workers who could previously earn more than the minimum have also found their wages increased in proportion. (Page 33.)

Bulletin of the United States Bureau of Labor, No. 56. January, 1905. Labor Conditions in Australia. Victor S. Clark.

Concomitant with the existence of the minimum wages law, whether due to its influence or not, there has been a

* There are two factors which might have influenced the course of wages in some slight degree. There is a shortage of labour, due partly to the fact that, the boxmaking trade having acquired a bad reputation, mothers are not anxious to put their daughters to it; at the same time the industry has been expanding, so that wages might have shown a tendency to rise somewhat without the intervention of the Trade Board.

healthy increase in the number of factory workers as compared with the years immediately before the Act went into operation, and even in comparison with the years of the previous boom. In 1902 there were 4,252 registered factories in Victoria, with 59,440 operatives, an increase of 2,495 operatives over the previous year, and of 11,627 operatives over the most prosperous year (1890) of the last boom period. Except in three occupations, where there has been a recent increase in the proportion of female and juvenile workers, the rate of wages has uniformly risen since the boards went in operation. The following table of average wages is taken from the report of the State Inspector of Factories for the year ending December 31, 1902:

Average Weekly Wages in Trades Under Board Determinations in 1902 as Compared With Average Wages Before Determinations Went Into Effect.

Trade	Before Determination Went Into Effect	1902	Increase
Bedstead makers	$ 7.83	$ 8.39	$ .56
Bookbinders	4.81	5.37	.56
Bootmakers	5.64	6.87	1.23
Breadmakers	7.91	10.42	2.51
Brewers	8.35	9.63	1.28
Brickmakers	10.12	11.13	1.01
Brushmakers	5.62	6.47	.85
Butchers	9.17	9.81	.64
Cigar Makers	7.36	8.09	.73
Clothing makers (men's)	4.87	5.45	.58
Confectioners	4.12	5.09	.97
Coopers	8.66	10.56	1.90
Engravers	8.98	12.13	3.15
Furniture makers	7.08	9.61	2.53
Jam makers	5.15	4.62	.53*a*
Jewelers	8.23	10.02	1.79
Maltsters	10.00	10.97	.97
Mantelpiece makers	8.15	10.67	2.52
Millet broommakers	6.79	8.13	1.34
Pastry cooks	7.50	6.96	.54*a*
Plate glass makers	6.69	8.68	1.99
Potters	6.83	8.84	2.01
Printers (city)	8.96	9.49	.53
Printers (country)	7.54	8.05	.51
Saddlers	6.59	8.54	1.94
Shirt makers	3.51	3.49	.02*a*
Tanners	7.73	8.64	.91
Underclothing makers	2.74	3.08	.34
Wickerworkers	5.58	6.37	.79
Woodworkers	8.07	10.63	2.56
Woolen goods	4.97	5.19	.22

a Decrease.

(Page 70.)

The Trades Board Act at Work. S. C. Moore. *The Economic Journal, London, September, 1913.*

In June, this year, the local branch of the Clothing Operatives Union determined to take a census of their male members to find out what wages were being paid. In order to ascertain the effect of the Trades Board Act they also asked for information about wages and hours before and after the act came into operation.

There were 250 of these forms sent out and 230 were returned duly filled up. . . .

The returns reveal some striking facts about men's wages in the clothing trade of Hebden Bridge, and also prove that the Trades Board Act has caused some remarkable increases to be given. The minimum of 6d per hour is not compulsory until the age of twenty-two; therefore, as sixty-one out of the total number making returns are at present getting less than 26s, we may presume they are juniors. Out of the 230 male workers, about whom we have definite information, 134 received increases when the act came into force. The following table gives particulars of the advances received:

32 men received an advance of 1s 0d per week
25 men received an advance of 2s 0d per week
28 men received an advance of 3s 0d per week
23 men received an advance of 4s 0d per week
11 men received an advance of 5s 0d per week
8 men received an advance of 6s 0d per week
5 men received an advance of 7s 0d per week
1 man received an advance of 7s 5d per week
1 man received an advance of 8s 0d per week

The average increase per week was 3s per man. In no case do the returns show any reduction in wages, and as the union officials have not heard of any such instance, it is evident that the increases are a clear gain to the workers. (Page 445.)

Benefit to Wages.—Great Britain

The Establishment of Minimum Rates in the Chain-Making Industry Under the Trade Boards Act of 1909. R. H. TAWNEY. *The Ratan Tata Foundation, (University of London), London, 1914.*

These tables show that the effect of the minimum piece rates established by the Chain Trade Board was to bring about a very striking increase in the weekly earnings of men. In October, 1913, the "mode" (*i. e.*, the point at which the largest group is found) lay, in the case of the "mastermen's" earnings, between 21s and 22s, and in the case of the "journeymen's" earnings between 20s and 21s.* Had the piece rates obtaining prior to the issue of the Trade Board's determination still obtained, then the mode of the earnings of both mastermen and journeymen would have been between 13s and 14s. The comparison between the wages earned at each date by the two classes of workers can be expressed as follows:

	Mastermen		Journeymen	
	1911 Per cent.	1913 Per cent.	1911 Per cent.	1913 Per cent.
Under 15s	56.7	1.3	61.3	0.7
15s and under 20s.	33.7	20.2	37.2	14.6
20s " " 25s.	9.4	60.8	1.4	48.1
25s " " 30s.	.....	17.5	.....	30.6
30s and over	.....	.....	.....	5.8

Women's Rates and Earnings.—. . . To give an actual instance: Miss X., prior to the issue of the Trade Board's determination, was paid 3s 6d per cwt., and made 2 cwt. of chain a week, thus getting 7s, out of which she paid 2s a week for breeze, so that her net wage was 5s. If her weekly earnings had risen by 100 per cent., she would have got 10s per week. In fact, however, the piece rates were advanced by 100 per cent., so that she earned a gross wage of 14s, or, when 2s a week was paid

* If returns had been obtained from a larger number of journeymen it is probable, as Table 9 suggests, that the mode of their earnings would have lain at some point between 23s and 26s. (Pages 82-83.)

for fuel, 12s. A rise of 100 per cent., therefore, in the piece rates meant in this case a rise of 140 per cent. in weekly earnings. Such large advances are, no doubt, quite exceptional. But the figures given above indicate that a rise of from 50 per cent. to 80 per cent. on the prices paid for the poorest class of chain has been quite a usual result of the Trade Board's determination. To this must now be added a further rise of 10 per cent. should the "Proposal to Vary," issued on 11th August, 1913, be ratified.* (Pages 85-87.)

How do the earnings set out in the above tables compare with the earnings of women prior to the fixing of minimum rates by the Trade Board? This is a question to which it is not easy to get a satisfactory answer. (Pages 95-96.)

TABLE XVI.

Weekly Earnings of Chain-Makers.

	In 1910 (estimated)	In 1913	Plus Rise of 10 der cent. now proposed
15s. and over	1	2	9
14s. and under 15s.	1	3	5
13s. and under 14s.	1	3	9
12s. and under 13s.	1	8	14
11s. and under 12s.	7	18	22
10s. and under 11s.	2	27	37
9s. and under 10s.	7	29	35
8s. and under 9s.	16	39	55
7s. and under 8s.	25	67	68
6s. and under 7s.	31	86	68
5s. and under 6s.	61	85	58
4s. and under 5s.	103	30	24
3s. and under 4s.	79	18	15
2s. and under 3s.	70	9	6
Under 2s.	21	2	1
	426	426	426

(Pages 97-98.)

These figures show that if the hours worked and quantity of chain made are assumed to have been the

* This rise has now been granted.

same in 1910 as in the week for which figures were collected in 1913, the fixing of piece rates by the Board has meant a considerable upward movement in the general level of hourly earnings. In 1913 the mode lay between 5s and 7s; in 1910 it would have lain between 4s and 5s. In 1910, 64 per cent. of the workers would have been earning under 5s a week, and 14.3 over 7s; in 1913, 13.8 per cent. were earning under 5s., and 46 per cent. over 7s. If, and when, the "proposal to vary" is ratified, the mode will lie between 6s and 8s, 10.7 per cent. of the workers will earn under 5s per week, 59.6 per cent. will earn over 7s per week and 22.5 per cent. over 10s per week. If the low earnings still obtaining create amazement, even when the irregular hours worked by many of the women are taken into consideration, the improvement from a state of things in which under 15 per cent. of the workers earned over 7s a week, to one in which just upon 60 per cent. will do so, certainly offers some cause for satisfaction. (Pages 98-99.)

The effect of the Trade Board's first determinations was to bring about a rise in the piece rates paid for making dollied or tommied chain of about 35 per cent., and a rise in the piece rates for making hand-hammered chain of "commonest," "common" and "extra" quality of about 67, 49 and 19 per cent. respectively. This advance in piece rates has been reflected in the increased weekly earnings of both men and women, and in a rise in the general standard of life of the district. (Page 131.)

The Working of the Trade Boards Act in Great Britain and Ireland. Constance Smith. *The Journal of Political Economy, July, 1914.*

The Trade Boards Act has now been in operation for over four years, and the time has arrived for drawing some conclusion in respect of the value of a piece of legislation frankly acknowledged to be largely experimental in character. It is, however, necessary to recognize that the work of the boards actually established is still in a very early stage, and to guard ourselves against any expectation of sensational results from action necessarily slow and tentative. (Page 615.)

The Lace Board has also to deal almost entirely with out-workers. These women, who are about 8,000 in number, do not take out-work directly from the factory, but have it distributed to them by some 700 middle-women. This circumstance, together with the fact that the lace trade is at all times conscious of the pressure of foreign competition, makes the work of the Lace Board one of considerable complexity and delicacy. The board has to be careful not to fix the rates at a point which will let in the French, Swiss, or German competitor; it has also to deal with distributing agents who have been accustomed to take percentages of the prices paid to them by employers at varying rates and whose ideas of the binding authority of the Truck Acts are in some cases of an exceedingly lax description. The price lists which governed the situation in Nottingham, before the coming of the Trade Board, were price lists given to the middle-woman, and acted upon by her at her discretion; there was no rule by which a definite proportion of the price was paid to the actual worker. In general the prices paid were miserably low, and the workers were sunk in poverty and misery. . . .

An "agreed" rate, which became compulsory on February 24, 1912, was also made by the Lace Board. Founded on the time rate of 2¾d. per hour (to hold good until September 30, 1912, when it was to be advanced to 3d.), it has been easily translated into a piece-price list, based upon the list on which the middle-women were previously paid. Piece-work is so common in Nottingham that rates to be adjusted to the conditions of piece-work presented no terrors to the Lace Board. The board had, however, to deal with certain peculiar features of the local case. One of these was the middle-woman's percentage, which in the end she was left to settle for herself with the warehouse proprietor. Another, of very serious import to workers in the drawing section, was the question of defective drawn threads, the frequent breaking of which had in the past often brought down the earnings of a drawer from 1d. an hour to 1d. for several hours. It was discovered that the troublesome threads whose constant breaking took such severe toll of precious time and

strength were two-fold threads, whereas the proper strength of such threads is three-fold. An agreement has been come to by the Trade Board under which one farthing extra per gross yards will have to be paid whenever two-fold thread is used in future. (Pages 619-620.)

What conclusions may we venture to draw from the facts just summarized? First, that even in trades of a complicated nature the fixing of a minimum rate presents no insuperable difficulties, and that by the practical acknowledgment of representative employers a margin exists in the four scheduled trades which makes leveling up of wages to the standard of the better-paying firms possible. Secondly, that in the case of every scheduled trade the effect of the minimum rate has been to raise wages, and in the case of the worst-paid to raise them to an extent which has wrought a complete change in the economic conditions of the workers' lives. (Page 624.)

Report of Chief Inspector of Factories of Victoria, 1900.

Clothing Board.

The average wage for males was £1 19s 6d, and for females 18s 3d. Last year the average wage for males was £2 2s 4d, and for females 18s 1d. The average wage for the whole trade in 1896 was £1, last year it was £1 2s 6d. For adult males the average was £2 8s 6d; for females £1 1s 3d.

In the short space of three years the whole circumstances of the trade have been changed. No complaints are now heard of gross sweating, or of clothes made in miserable homes for a more miserable wage. Many of the difficulties to which I referred in my report of 1898 have disappeared. The Department has little trouble in enforcing the determination of the Board. The average wage paid will show that the majority of the men and women employed receive more than the minimum wage. (Page 17.)

Report of Chief Inspector of Factories of Victoria, 1901.

The Shirt Board.

In 1896, before the determination came into force, the average wage for females was 14s 5d per week, in 1900

and also last year, it was 14s 8d, or an increase of 3d per week for every employee in the trade. The average wage of adult females was 16s 1d in 1900 and in 1901 16s 10d. The average increased wage of 3d as compared with 1896 is not very great, but I find that in the latter year there were only 20 girls employed between the ages 13 and 15 inclusive, whereas last year there were 83. We have thus an increase of over 300 per cent. in juvenile labor and, notwithstanding this, an increase in the average wage of the trade. An examination of Appendix B will show that the 134 women who are employed at the minimum wage or more received an average of 20s 8d per week, which is certainly a high wage for what was once a sweated trade. (Page 36.)

Pastry Cooks' Board.

Mr. Ellis reports:

Great satisfaction is expressed by these men at being brought under the determination at last. These tradesmen have been long suffering and thoroughly appreciate the benefits they now enjoy under it. How ever their claims to inclusion were so long overlooked is a mystery. Breadmakers also participate in the advantages by the passing of this determination, as whilst before they were paid 13½d per hour for making bread, they were at the mercy of their employer, who could pay them what he thought fit whilst engaged in making pastry. (Page 31.)

Victoria. Papers Presented to Parliament. Vol. II. 1902-3. Report of the Royal Commission Appointed to Investigate and Report on the Operation of the Factories and Shops Laws of Victoria.

The Working of the Law in Victoria.

The Clothing Board.

The employees stated that wages had been considerably increased under the board's determination and that the operation of the law in this respect had been a distinct gain to both sides, inasmuch as good employers were not now pitted against unfair and unreasonable masters. They viewed with great alarm any proposal

to suspend the system of fixing wages by law, fearing that the inevitable result would be a relapse into sweating. One worker said that the act had been distinctly beneficial to her. Before the rates were fixed, she used to work twelve to sixteen hours a day, and the weekly average of her earnings was 12s 6d, while the minimum rate was now 20s. The same conditions prevailed as before, but they got higher wages, and the methods of manufacture had been improved to meet the extra cost. (Page XL.)

Report of Chief Inspector of Factories of Victoria. 1909.

Cardboard Box Trade Board.

Miss Cuthbertson reports:

This determination appears to be working very satisfactorily. Piece-work rates are paid generally to female employees, and these rates seem, in the majority of instances, to be fixed on a very fair basis, so that a fair remuneration can be earned. Before the determination came into operation the average wage earned in the trade was 15s 9d; but under the determination, which employers concede is only a reasonable one, the average rose to 18s 1d. This is not anything extraordinary, taking into consideration the fact that all the men employed in the trade are included; but it shows a vast increase on the rates prevailing before the determination of the wages board, and must mean a good deal in increased comfort in their method of living to the people concerned. (Page 32.)

	1896	1906
Proportion of females to total workers	16.70 per cent.	20.25 per cent.
Ditto Cheese and Butter-making	4.86 per cent.	1.89 per cent.
Ditto Printing	9.70 per cent.	16.93 per cent.
Ditto Biscuit-making	18.82 per cent.	35.43 per cent.
Average wages	£29 17s. 5d.	£41 13s. 11d.

(Pages 223-224.)

(5) The Minimum Wage Is Not a Maximum.

Where the minimum wage has been established, the fear that the minimum might prove also the maximum wage has not proved well grounded. On the contrary, the usual variation in wages appears to operate after a minimum has been set by law below which wages may not sink.

An investigation into the effects of the minimum wage made in Oregon by the Federal Government showed that the percentage of women receiving $9.25 (legal minimum for experienced adults in Portland department stores) increased from 8.4 per cent. to 22.4 per cent. That this minimum did not also prove to be the maximum wage was shown by the fact that the percentage receiving *over* $9.25 per week increased also, rising from 40.6 per cent. to 44.8 per cent. The proportion of the total force getting over $12 likewise increased.

A Living Wage By Legislation. The Oregon Experience. Rev. Edwin V. O'Hara, *Chairman, Industrial Welfare Commission of Oregon. State Printing Department, Salem, 1916.*

The Oregon wage rulings have now been in effect two years, and when proper deductions are made for the financial depression through which we have been passing, the general tendencies of the legislation should be apparent. Fortunately, a painstaking investigation was undertaken jointly by the Federal Industrial Relations Commission and the U. S. Department of Labor concerning the effect of minimum wage determinations in Oregon, especially in the mercantile industry. The report of this investigation was published as Bulletin 176 of the U. S. Bureau of Labor Statistics, July, 1915. The investigators examined the records of forty department, dry-goods, five and ten cent, specialty and neighborhood

stores for March and April, 1913, and the same months of 1914—periods ending five months before and beginning five months after the first minimum wage determinations went into effect. It was confidently predicted that the wage rulings would supplant female labor by male labor; that the higher paid employees would be reduced in wages and that the average wage would not be increased. The investigators report on these points as follows:

> 1.—Men have not taken women's places.
>
> 2.—The minimum rate of pay for the experienced adult workers was raised in all occupations. The percent. of the force receiving $12.00 and over increased after the wage determinations. (Page XV.)

Massachusetts Minimum Wage Commission. Bulletin No. 12, November, 1916. Preliminary Report on the Effect of the Minimum Wage in Massachusetts Retail Stores.

The direct effect of the minimum wage is indicated by the large number who, in 1916, were scheduled to receive between $8 and $9 a week. The proportion of all women in this wage group rose from 27.0 per cent. and 27.7 per cent. in 1914 and 1915, respectively, to 45.8 per cent. in 1916. In 1916, moreover, 1,591, or the great majority of the women in this group, were paid $8.50, while in 1914 and 1915 most of them (1,079 and 1,037, respectively) were paid only $8. The introduction of the minimum wage has not apparently affected the number of women receiving $9 or more a week. Certainly, the minimum wage has had no tendency to become a maximum. (Page 27.)

Principles of Labor Legislation. JOHN R. COMMONS *and* JOHN B. ANDREWS. *Harpers, New York, 1916.*

It is frequently declared that legal minimum wage rates tend to become maximum wage rates, thus injuring those whom they are expressly designed to benefit. This does not, however, appear to be generally the case. Both the chief factory inspector at Melbourne, Victoria, and the secretary of the British Board of Trade declare

that as far as their experience goes current wages are not held down to the minimum set by law.* The former official even declares that "the average wage in a trade is invariably higher than the minimum wage." In one Victorian industry, clothing, after an award had been in force for six years, wages averaged nearly 20 per cent. higher than the legal minimum. The establishing of minimum rates in the clothing trades in Great Britain led in several districts to trade union action which fixed standard rates considerably above the legal minimum. In Portland, Ore., also, the United States Bureau of Labor Statistics found that the proportion of women getting more than the legal minimum increased after the law went into effect. (Page 192.)

United States Bureau of Labor Statistics. No. 176. Women in Industry Series. No. 6. July, 1915. Effect of Minimum Wage Determinations in Oregon.

Any rate lower than $6 a week was practically abolished in the 40 stores after these determinations went into effect. The per cent. receiving $6 was slightly increased and the per cent. receiving $9.25 (the legal minimum for experienced adults in Portland) was increased from 8.4 per cent. to 22.4 per cent. The per cent. of the force receiving over $9.25 per week was increased from 40.6 per cent. to 44.8 per cent. The average rate of pay for all women employed in the 40 stores increased 41 cents per week in 1914, or from $9.92 to $10.33 per week. (Page 18.)

Prior to the rate determinations 26.2 per cent. of the girls under 18 years of age received less than $6, 53.1 per cent. received $6, and 20.7 per cent. received more than $6. In the 1914 period but one got less than the legal minimum. Almost 80 per cent. were getting exactly $6, while the proportion receiving more than $6 remained the same, namely, 20 per cent. The fact that 20 per cent. were still receiving more than $6, although in a group for which the awards stipulated only that they should be

* Irene Osgood Andrews, *Minimum Wage Legislation*, pp. 62-63, 77-78.

paid not less than $6, shows that employers did not reduce wages of minors to the minimum permitted by the wage determinations, but continued to pay wages as before on the basis of the value of the services rendered. The rate for the 145 minors employed in all stores prior to the wage determinations averaged $5.93, or 7 cents less than the legal minimum rate afterwards fixed by the industrial welfare commission. The average rate of pay for these girls under 18 years increased 31 cents per week after the wage determinations. (Page 20.)

The $6 ruling had very little direct effect on the rate of pay of inexperienced adult women, as only 9 women whose age and experience were known to place them in this group were getting less than $6 in the 1913 period. The average rate of pay per week for these women was decreased by 4 cents. The old employees were not reduced, but the place of a $28 or a $30 a month girl was filled by a $26 girl. Fifty-nine per cent. of these women received more than $6 before the minimum-wage determinations; only 50 per cent. received more than that after the determinations. The proportion receiving $9.25 per week or more was increased, however.

It is evident that the minimum-wage determinations have been followed by a reduction in the rate for some adult inexperienced women. This may have been due to the unfavorable business conditions in 1914; it would not follow that the same reductions would have occurred in a good business year. (Pages 21-22.)

In Salem only a few experienced adult women (14) were affected by the State-wide minimum of $8.25. None was found at just that rate. In the 1914 period only 7 were found receiving a rate as low as the legal minimum, $8.25. A larger per cent. than in 1913 was reported at $9.25 and a larger per cent. at rates higher than $9.25. The average rate reached $10.12 in April, 1914, an increase of 30 cents over 1913. (Page 23.)

TABLE 16 (CONDENSED).

Actual Number of Women and Girls Receiving Classified Weekly Rates of Pay Before and After Minimum-Wage Determinations, With Per Cent. of Increase or Decrease After Determinations, for Specified Occupations, as Shown by the Pay Rolls of Six Portland Department, Dry Goods, and Five and Ten Cent Stores.

Occupation.	Women whose weekly rates of pay were within each classified amount.											Women whose weekly rates of pay were within each classified amount.								Total number.	Average rate of pay.
	Under $5	$5 to $5.99	$6	$6.01 to $6.99	$7 to $7.99	$8 to $8.49	$8.50 to $9.22	$9.23 and $9.25	$9.26 to $9.99	$10 to $10.49	$10.50 to $10.99	$11 to $11.99	$12 to $12.99	$13 to $13.99	$14 to $14.99	$15 to $15.99	$16 to $17.99	$18 to $19.99	$20 and over.		
Saleswomen:																					
Before determinations.	64	40	39	26	24	145	43	83	6	47	17	47	36	24	9	32	28	11	17	738	$9.63
After determinations.	1	....	68	21	33	38	8	175	21	64	15	66	45	20	6	27	27	14	15	654	$10.69
Increase (+) or decrease (−)—																					
Number	− 63	− 40	+ 29	− 5	+ 9	− 107	− 35	+ 92	+ 15	+ 17	− 2	+ 9	+ 9	− 4	− 3	− 5	− 1	+ 3	− 2	− 84	+$1.06
Per cent	−98.4	−100.0	+74.4	−19.2	+37.5	−73.8	−81.4	+110.8	+250.0	+36.2	−11.8	+19.1	+25.0	−16.7	−33.3	−15.6	− 3.6	+27.3	−11.8	−11.48	+11.01
Total:																					
Before determinations.	85	[5]57	250	118	56	[2]238	84	147	14	103	24	87	105	46	23	50	66	27	52	[4]1,632	$9.69
After determinations.	3	.....	[2]270	[5]52	61	64	13	[3]338	29	104	20	89	96	39	18	36	51	33	49	[4]1,365	$10.15
Increase (+) or decrease (−)—																					
Number	− 82	− 57	+ 20	− 66	+ 5	− 174	− 71	+ 191	+ 15	+ 1	− 4	+ 2	− 9	− 7	− 5	− 14	− 15	+ 6	− 3	− 267	+$0.46
Per Cent	−96.5	−100.0	+ 8.0	−55.9	+ 8.9	−73.1	−84.5	+129.9	+107.1	+ 1.0	−16.7	+ 2.3	− 8.6	−15.2	−21.7	−28.0	−22.7	+22.2	−5.8	− 16.4	+ 4.75

[1] woman worked in 2 occupations.
[2] women worked in 2 occupations.
[3] women worked in 2 occupations.
[6] women worked in 2 occupations.
[8] women worked in 2 occupations.

(Pages 48-49.)

A detailed examination of the rates received, as shown in the above table, reveals not only that the proportion but the actual number getting over $9.25 but under $12 increased after the wage determinations, in spite of the 17.6 per cent. decrease in the total female force. (Page 50.)

Massachusetts Minimum Wage Commission, Bulletin No. 7. September, 1915. The Effect of the Minimum Wage Decree on the Brush Industry in Massachusetts.

The increases in wages which have occurred under the operation of the decree are shown in the following tables, affording comparison between earnings in 1913 and earnings in 1915. The percentage of women workers who earned less than $6 in the week selected for comparison was 61.4 in 1913 and only 19.8 in 1915. The percentage earning over $9 increased from 10.2 to 19.4 showing that wages have tended to increase even above the minimum,* or, in other words, that the minimum does not tend to become the maximum. (Page 7.)

* At 15½ cents an hour the minimum for fifty-four hours is $8.37.

Weekly Earnings for the Second Week in June, 1913; by Occupations.

OCCUPATIONS.	NUMBER AND PER CENT. OF WORKERS EARNING—															
	UNDER $4.		$4 AND UNDER $5.		$5 AND UNDER $6.		$6 AND UNDER $7.		$7 AND UNDER $8.		$8 AND UNDER $9.		$9 AND OVER.		TOTAL.	
	Number	Per Cent.	Number	Per Cent.	Number	Per Cent.	Number	Per Cent.	Number	Per Cent.	Number	Per Cent.	Number	Per Cent.	Number	Per Cent.
Brush making.	13	9.4	38	27.6	42	30.4	17	12.3	16	11.6	5	3.6	7	5.1	138	100
Finishing.	14	10.1	44	31.9	41	29.7	10	7.2	7	5.1	6	4.4	16	11.6	138	100
Setting.	9	12.7	8	11.3	10	14.1	19	26.7	10	14.1	9	12.7	6	8.4	71	100
Nailing.	4	13.3	5	16.7	12	40.0	5	16.7	1	3.3	1	3.3	2	6.7	30	100
Cementing.	4	18.2	5	22.7	6	27.3	3	13.7	2	9.1	1	4.5	1	4.5	22	100
Packing and shipping. . .	1	4.5	11	50.0	6	27.3	3	13.7	..	..	1	4.5	..	..	22	100
Drawing.	4	20.0	4	20.0	2	10.0	3	15.0	1	5.0	.	..	6	30.0	20	100
Soldering.	8	61.5	1	7.7	1	7.7	3	23.1	..	..	.	..	..	..	13	100
Hammering.	..	..	..	..	3	60.0	2	40.0	..	..	.	..	..	..	5	100
Less than ten workers. . .	2	5.0	5	12.5	5	12.5	4	10.0	5	12.5	6	15.0	13	32.5	40	100
Miscellaneous machine processes.	4	30.7	2	15.4	3	23.1	2	15.4	1	7.7	.	..	1	7.7	13	100
More than one process. . .	..	..	..	..	3	33.3	2	22.3	3	33.3	.	..	1	11.1	9	100
Total.	63	12.1	123	23.6	134	25.7	73	14.0	46	8.8	29	5.6	53	10.2	521	100

(Page 8.)

Weekly Earnings for the Second Week in June, 1915; by Occupations.

OCCUPATIONS.	NUMBER AND PER CENT. OF WORKERS EARNING—															
	UNDER $4		$4 AND UNDER $5.		$5 AND UNDER $6.		$6 AND UNDER $7.		$7 AND UNDER $8.		$8 AND UNDER $9.		$9 AND OVER.		TOTAL.	
	Number	Per Cent.	Number	Per Cent.	Number	Per Cent.	Number	Per Cent.	Number	Per Cent.	Number	Per Cent.	Number	Per Cent.	Number	Per Cent.
Brush making,	5	2.9	15	8.9	13	7.7	24	12.2	80	47.3	15	8.9	17	10.1	169	100
Finishing,	2	2.4	4	4.7	12	14.1	20	23.5	23	27.1	7	8.2	17	20.1	85	100
Setting,	1	1.8	6	10.7	7	12.5	7	12.5	6	10.7	13	23.2	16	28.6	56	100
Nailing,	.	..	..	..	..	..	1	5.9	2	11.8	3	17.6	11	64.7	17	100
Cementing,	.	..	..	..	2	20.0	2	20.0	5	50.0	..	..	1	10.0	10	100
Packing and shipping,	.	..	..	..	3	15.0	5	25.0	3	15.0	2	10.0	7	35.0	20	100
Drawing,	2	9.1	2	9.1	1	4.5	4	18.2	1	4.5	7	31.8	5	22.8	22	100
Soldering,	.	..	..	..	..	..	1	20.0	3	60.0	1	20.0	..	..	5	100
Hammering,	.	..	..	..	1	33.3	..	..	2	66.7	..	..	..	..	3	100
Less than ten workers,	1	1.7	1	1.7	8	14.1	6	10.5	14	24.6	9	15.8	18	31.6	57	100
Miscellaneous machine processes,	3	10.0	3	10.0	1	3.4	21	70.0	1	3.3	..	..	1	3.3	30	100
More than one process,	2	18.2	..	..	1	9.1	2	18.2	3	27.2	2	18.2	1	9.1	11	100
Total,	16	3.3	31	6.4	49	10.1	93	19.2	143	29.5	59	12.1	94	19.4	485	100

(Page 9.)

Biennial Report of the Washington Industrial Welfare Commission, 1913-1915.

Summary of Wage Survey. Mercantile Employment.

The table showing the number receiving from $10.00 per week up to $35.00 and over in 1913 and 1914.

Wage.	1913.	1914.
$10.00	370	1,323
10.50	13	26
11.00	72	132
11.50	8	11
12.00	355	372
12.50	16	13
13.00	22	38
13.50	37	36
14.00	60	42
14.50	2	6
15.00	164	194
15.50	2	0
16.00	27	33
16.50	15	25
17.00	14	18
17.50	26	33
18.00	65	57
18.50	4	5
19.00	5	5
19.50	4	6
20.00	57	71
21.00	3	1
22.00	23	23
25.00	37	42
27.50	7	3
30.00	9	10
35.00	9	6
over 35.00	5	10
	1,431	2,541

These figures show that the minimum wage for women as established in these industries a few months ago has proved beneficial to the mass of the working girls and injurious to practically none; that there has been no tendency to throw the girls out of employment because of the increased wage; that there has been no tendency, as was feared by even some of the supporters of the minimum wage law, to level down the wage of the better paid girls to equalize the increase made in the wages of the lower paid; that there has been no tendency for the minimum wage to become the maximum wage, but that on the contrary, the wages of the better paid girls have actually increased in a degree to correspond to the increase of the lower priced girls, and that the employers of the state have been attempting to follow out the letter and the spirit of the minimum wage law. (Pages 80-81.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. I. Report of Commission.

The arguments in support of wage legislation may be summarized as follows:

There is no reason to fear that the minimum wage will become the maximum. It has not proven to be so in those industries where it has been tried. In Australia, for instance, women making a certain grade of clothing have a minimum wage of $9, but the average wage is $10.50. There is not as much reason why a minimum fixed by law should become a maximum as if it is fixed by the trade union, and yet in the garment industry in New York City, the minimum fixed by the protocol is by no means the maximum, which in some instances is 50 per cent. more. Individual differences would still be recognized, and as long as individual differences exist and no limitations are placed on production, there is no reason to fear the minimum becoming the maximum. (Page 45.)

Ibid. Vol. I. Appendix III. Minimum Wage Symposium.

Statement of Bruno Lasker, Investigator for the Rowntree Foundation, York, England.

The objection that the minimum wage will tend to become a standard or maximum wage.

It is too early as yet to judge the ultimate effects of minimum wage legislation in Great Britain; but so far there have been no signs at all that the declaration of a minimum wage in a given trade hinders the general upward tendency of wages. This may possibly be due chiefly to the fact that British legislation has been limited definitely to the case of the sweated worker and that it has not, as has Australian legislation, affected the wages of large numbers of men. Also the scheduling of new trades has coincided with general good trade. In the scheduled trades, wages during the last few years seem to have increased all around, that is, not only in those branches to which the law applies. On the whole, it may be said that the determination of minimum wage acts very much in the same way as the declaration of a standard rate of wages by a trade union; both tend to become the normal rather than the minimum. (Page 712.)

Ibid. Vol. IV. Appendix VIII. Minimum Wage Legislation in Australasia. Chap. I. Victoria.

It has often been asserted and sometimes with considerable force, that the minimum wage set by a special board tends to become the maximum or standard rate. In 1904 this declaration was made by no less an authority than the Select Committee of South Australia. Dr. Clark has also noted the tendency toward what would be called in this country, a "union wage".* In the opinion of Mr. Aves absolute uniformity of rating in any occupation was quite the exception, especially in skilled trades.† Yet he admitted that the proportion of workers receiving a wage above the minimum might often be a

* Bulletin of the U. S. Bureau of Labor, No. 56, p. 65.
† Aves, p. 49.

small one. In order to arrive at a clear opinion of actual conditions, recourse should be had to statistical evidence. Although this is largely lacking, there is some instructive data available. . . .

During the early history of the special board system, reports were rife that the minimum wage was the maximum wage. It appears that statements to this effect were commonly circulated by manufacturers and others anxious to discredit minimum wage legislation. In 1901, the Chief Inspector of Factories made a sweeping denial of this charge. (Page 1896.)

Since the early period of depression, wages in the boot trade have generally maintained a high level. In 1910 the legal rate for beginners was 5s. per week but it was the general custom of employers to pay 7s. 6d. for the first year's experience.* Of the plate glass trade it has more than once been said, "the minimum wage is not by any means the maximum."† Notwithstanding the difficulties attending the determination of the Artificial Manure Board, owing to the downward revision of rates by the Court of Industrial Appeals, employers did not find it necessary to waive all discretion in the payment of wages. In 1907 an inspector stated that in the majority of cases the rates paid exceeded those provided by the Court. Such has been the experience of three fairly representative trades. (Page 1897.)

Without dwelling at further length upon individual instances, it may be said that the general tendency illustrated by these examples is also confirmed by such statistical evidence as is available. Through the kindness of Mr. Murphy, the Chief Inspector of Factories of Victoria, we are able to compare the legal minimum with the average wage paid in some of the representative trades. The following table prepared by Mr. Murphy in March, 1914, includes all of the trades where a direct comparison is possible. It will be seen that the average wage paid in these trades is in excess of the legal rate.

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* Victoria, Report of the Chief Inspector of Factories, 1910, p. 20.

† Victoria, Report of the Chief Inspector of Factories, 1906, p. 35, 1908, p. 47.

TABLE No. 14.

A Comparison of the Average Minimum Wage Paid in Certain Trades with the Statutory Minimum Wage as Fixed by the Wages Board Determination for the Particular Trade.

Board	Year Ending 31st December, 1910		Year Ending 31st December, 1912	
	Wages board rate	Average wage paid	Wages board rate	Average wage paid
Bread Carters	40/	40/10	48/	48/8
Boot	54/	55/8	54/	56/11
Dressmakers	16/	21/9	21/6	26/5
Furniture (bedding)				
Males	50/	52/4	57/	61/10
Females	25/	26/4	27/6	28/3
Furniture (cabinet making)				
Females	25/	27/2	27/6	29/9
Jam trade	...	....	48/	48/8
Livery stable	...	....	42/	44/8
Milliners	22/6	31/5	22/6	32/4
Organ	58/	64/8	58/	61/5
Process engravers	...	....	62/	83/6
Underclothing	20/	21/1	20/	23/9

NOTE.—In the other trades this comparison cannot be made as there is more than one minimum wage and it is not possible to ascertain from the records collected the proportion of employees at the different classes of work.

It is not to be inferred from what has been said that this question is entirely one sided. Indeed there is evidence to the contrary. . . . In the aerated water trade wages have steadily inclined toward a standard rate. In 1907 several inspectors reported a number of employees in their districts to be receiving more than the legal rates. In 1909 we are told that the determination rates are exceeded in some cases. After that year not a single statement of this character was made. Nothing but a general dead level of wages can be inferred from the annual reports of the Factory Department.*

* *Ibid.*, 1910, p. 16.

. . . In trades such as boot-making, clothing, underclothing, shirtmaking, and breadmaking, the minimum wage has clearly not become the maximum. In others it is evident that a standard rate is being closely approached. (Pages 1898-1900.)

But without minimizing any of the opposing evidence, it can by no means be said that the minimum wage has become the maximum. Although this charge is still made by some Australian employers, as Professor Hammond has observed, they have been unable to furnish definite facts to back up their statements.* The following conservative opinion expressed by Mr. Murphy in March, 1914, is quite significant in this regard.

> "I do not think the tendency to make the minimum wage the standard wage has been increasing in recent years, because the supply of labor in this State has been low. It is possible that this may be effected whenever it should happen that the supply of labor is greater than the demand, but I do not think we will ever reach a time when a good and highly skilled workman will not be able to command considerably above the legal rate."†

Chapter II. New Zealand.

The wage, therefore, tends to be fixed at what in the opinion of the Court is a "fair rate". Mr. Aves went so far as to say that the minimum rate was the recognized standard for the average man in any given trade.‡ But Dr. Clark cites some of the earliest awards of the Court in which this tendency was departed from. By one of these given in 1897, the wages of the Wellington seamen were raised $2.50 per month. A similar advance was made in the Canterbury carpenters' award of the same year. Although wages were thus sometimes lifted above

* Annals of the American Academy of Political and Social Science, 48:33.

† From a written statement to the writer.

See also Appendix III, p. 62, of the Third Report of the N. Y. State Factory Investigating Commission, 1914.

‡ Aves, p. 100.

the average previously prevailing in an industry, it was the only thing to be done if strikes were to be prevented during a period of rising prices and profits.* (Page 2014.)

Partially because the general wage standard has been lifted since the inception of the arbitration law, it has been claimed that the minimum wage fixed by many awards has become the maximum. Where a high minimum is fixed there may be a tendency for this to be the case. Dr. Clark observed "that the relation of the maximum to the legal minimum wage varies in different trades with different local conditions and with the more or less perfect adjustment of the individual awards to the conditions and customs of the industry they cover."† In the main the Court has not endeavored to lift wages arbitrarily upon a wholesale plan, but has fixed minimums conditioned upon the prosperity of an industry as well as upon the needs of the worker. Consequently, the great bulk of wage rates has been fixed by the employers above the minimums of the Court. (Pages 2038-2039.)

Chapter IV. Wage Legislation in Western Australia, South Australia, Queensland, and Tasmania.

South Australia.

Along with the prosperity of the employer has gone the prosperity of the worker. Wages in practically all lines of employment have been substantially raised. This statement is borne out by successive reports of the Factories Department. In 1911, the Chief Inspector reported that wages in all trades showed an upward tendency of from 5 to 10 per cent. over those of 1909. Inasmuch as there had been no pronounced advances, it was his opinion that the increase might be regarded as stable.‡ Partly because of the healthy condition of business, the minimum wage fixed by the boards has seldom become the maximum. Even so early as 1905,

* Bulletin of the U. S. Labor Bureau No. 49, p. 1206.
† Bulletin of the U. S. Bureau of Labor, No. 49, p. 1207.
‡ Report of the Chief Inspector of Factories, 1911, p. 4.

the Chief Factory Inspector said: "So far I have not heard of any case of leveling down of the higher paid workers, and the increased wages fixed for the lower paid hands has merely resulted, so far as can be seen at present, in a demand for more experienced workers."* Speaking of wage rates in 1909, he stated that in every class of business the rates of the boards were below those paid by the best employers.† In regard to the average rates of wages in trades subject to board determinations, he said: "The returns show in every case a slight increase on the rates fixed by the boards."‡ The wages paid to brickmakers, carpenters, furniture hands, and iron workers have been considerably above the minimum rate. This has also been true in the case of shirtmaking and white work. Jewellers and opticians, as well as painters and decorators, have not fared so well. It is thus evident that the remuneration of the great number of workers has not been fixed by the boards. (Pages 2184-2185.)

Queensland.

Notwithstanding general increases in rates of wages, many of which are due to board determinations, there is no evidence to show that the minimum rate has generally become the maximum. Of the callings in which board rates were made, there were some fifty instances listed by the Chief Inspector in 1913 where the average wage of a trade was higher than the prescribed rate, and about thirty instances where the opposite was the case. These comparisons were listed under eight distinct classes of industry, such as food and drink, lighting and heating, engineering, printing and others. In general, minimum wages have been based upon the rulings of the Commonwealth Court, although there has been difficulty in fixing rates for married and single men. That the average wage is relatively as high as it is, is prob-

* Report of the Chief Inspector of Factories, 1905, p. 2.
† Report on the Working of the Factories Act, 1909, p. 7.
‡ Report on the Working of the Factories Act, 1909, p. 8.

ably due to the fact that in most instances a real minimum has been established. (Page 2192.)

The Australian Experience With Wages Boards. M. B. Hammond, *Vice-Chairman, Industrial Commission of Ohio. The Survey, February 6, 1915.*

It has often been asserted that the minimum wage fixed by a wages board soon tends to become the maximum wage in that trade, and while it may benefit the poorly paid workers, does so at the expense of the better paid, and tends to lessen individual self-reliance. The same argument is of course made against any system of collective bargaining. I do not deny that there may be some truth in this contention. Many employers in Australia believe this to be true, and I have no reason to doubt the sincerity of their declarations. I am bound, however, to say that I was unable to prove the truth of the assertion, even though I made considerable effort to gather evidence on this point.

In New Zealand an employer who told me that he was convinced that the minimum tended to become the maximum, admitted that there was not a single worker in his own establishment, including some 200 or more employees, who was not receiving more than the minimum wage which the arbitration court had fixed. I received substantially the same information from another employer in Melbourne, who was making the same claim. (Page 501.)

In the city of Auckland, of 2,458 workers whose wages were fixed by the arbitration court, 948 received the minimum wage, and 1,510, or 61 per cent., received above the minimum. In Christ-church, there were 2,788 workers whose wages were fixed by the arbitration court; 1,127 of them received the minimum, and 1,661, or 59 per cent., received more than the minimum. In Dunedin, of 1,637 employes, 792 received the minimum wage, and 845, or 51 per cent., received more. These are the figures for three of the leading cities in New Zealand. (Page 502.)

Minimum Is Not a Maximum.—Australasia

A New Province for Law and Order: Industrial Peace Through Minimum Wage and Arbitration. Henry Bournes Higgins, *High Court of Australia, Melbourne [President since 1907 of the Court of Conciliation and Arbitration]. The Harvard Law Review, November, 1915.*

A New South Wales wages board gave in the case of Builders' Labourers,* the lowest rate to scaffolders, and the highest to hodmen. The Victorian wages board gave the highest rate to scaffolders. The New South Wales board gave a low rate to demolishers; the Victorian board gave the highest rate. The Federal Court, when it came to act, prescribed a flat minimum rate for all the labourers, and the employees were satisfied. They knew that a man of exceptional value as a scaffolder or in any other capacity would still be able to demand and obtain a rate higher than the minimum. It is often said that the minimum rate tends to become the maximum, but there has been no proof of such tendency as yet. (Page 36.)

The Establishment of Minimum Rates in the Tailoring Industry Under the Trade Boards Act of 1909. R. H. Tawney. *The Ratan Tata Foundation, (University of London). Bell, London, 1915.*

That the "minimum tends to become the maximum" is a familiar criticism upon the policy of Trade Unions in fixing standard rates instead of allowing employers to "pay each man what he is worth". It has never, so far as we are aware, been substantiated by any considerable volume of evidence. In practice in the most strongly organized industries, whether piece-work or time-work trades, there is in most firms a considerable range of earnings among workers belonging to the same profession; and if it is not the case that the Trade Union standard rate tends to become the maximum, there would appear *a fortiori* to be still less reason why the low minimum rates fixed by a Trade Board should re-

* Builders' Labourers, 7 Com. Arb., 210 (1913).

sult in the earnings of the highest paid workers being reduced. Nor do inquiries among employers and workers lend any support to the idea that this has hitherto happened on any considerable scale. Cases have been found, it is true, when as a result of the Trade Board's determination a firm has substituted time-work for piece-work, on the ground that compliance is easier when every one is paid a weekly wage than it is when workers are earning varying amounts, though paid the same piece-work prices. It is true also that in a few firms certain piece-prices have been reduced; for the effect of the Board's determination was to cause many firms to revise all their rates, and though the result of the revision was usually a rise, it sometimes happened that certain prices were found to be abnormally high,* and that, in the process of making a general readjustment, these were cut down. A few instances, moreover, have come to our notice in which firms appear deliberately to have recouped themselves for the advance which they were obliged to give the most poorly paid workers, by forcing a reduction on the better paid workers. (Pages 86-87.)

Such action, however, appears to be quite exceptional. (Page 87.)

As far as our own evidence as to what has hitherto taken place is concerned, it does not suggest either that the higher paid workers are likely to be reduced to the minimum of 6d. per hour, except at periods when a general reduction would, apart from any action of the Trade Board, have taken place, or that 6d. an hour is likely to be the maximum above which men now entering the trade will never rise . . . Indeed, if the Trade Board has any influence upon the wages of time-workers who are already paid above the minimum, its tendency seems to be to raise, rather than to depress, them. (Page 89.)

That the minimum has not become the maximum, but has given an impetus to agitation among even the better

*Thus some firms paid unusually high rates on certain kinds of work which very rarely came in. If workers complained, the firm would say that they would have their turn at this highly-paid work. But there was so little of it as scarcely to affect their earnings.

paid sections of the industry, is shown by the agreements which the Trade Unions in the clothing trade have been able to negotiate in the course of the past year. (Page 90.)

The Establishment of Legal Minimum Rates in the Box-making Industry Under the Trade Boards Act of 1909. The Ratan Tata Foundation (University of London). M. E. BULKLEY. *With Introduction by* R. H. TAWNEY. *Bell, London, 1915.*

An important question is whether the increase in wages secured by the more poorly paid section of the workers has been counteracted by any reduction in the earnings of the more highly paid. In a few cases time-work has been substituted for piecework, with the result that the more expert workers have suffered. And in some cases where piece-rates have had to be readjusted, while the rates for the commoner class of work have been raised, the rates for better-class work have fallen. In at least one case there has come to our notice that higher wages seem to have been deliberately cut down; the rise in the rates paid to outworkers which was necessitated by the Trade Board's determination was balanced by a lowering of the wages paid to the best workers inside the factory; if any worker had been earning more than the minimum the employer was of the opinion that she had been overpaid and everyone was brought down to the same level. In another firm, when the minimum rates were proposed, a notice was posted up to the effect that any advance in such of the rates as were below the Trade Board's minimum would be followed by a reduction in the rates which were above it. (Page 40.)

But the great majority of employers whom we questioned declared that there was no tendency for the minimum to become the maximum. Indeed, in several cases, the better paid workers have had their wages raised instead of lowered. "Everyone is getting more now," said one employer, "even those who previously earned the minimum rate." The raising of the wages of the worst paid to the minimum created discontent among

the better paid unless their wages also were raised. And where the piece-rates have had to be increased the quick workers naturally benefit as well as the slower ones. (Pages 40-41.)

Bulletin of the United States Bureau of Labor, No. 49. November, 1903. Labor Conditions in New Zealand. VICTOR S. CLARK.

There are sometimes greater differences between the legal minimum and the highest wages paid. The Otago award fixes the wages of journeymen painters at 30 cents an hour for an eight-hour day, but wages in Dunedin were said to run as high as 43 cents an hour and to be customarily above the award minimum. (Page 1171.)

An iron works superintendent: "The minimum wage is not the maximum wage with us. We sack a poor man when we can get a good man, and pay him more than the award. That's most profitable for us, and keeps the men cheerful." (Page 1207.)

A labor member of Parliament: "Painters and carpenters here are getting from $0.73 to $0.97 a day more than the award minimum." (Page 1208.)

A labor member of Parliament: "On the whole, the effect is not to put wages on a dead level."

A factory inspector: "My experience is that most employers pay more than a minimum wage to some employees. In the bookbinding trades in my district all but one employee receives more than the minimum wage, which is $9.73 a week. They get from $12.17 a week up." (Page 1208.)

Another factory inspector: "It is the general rule here to pay over the minimum wage." (Page 1208.)

Third Report of the New York State Factory Investigating Commission, 1914. Appendix 3. Minimum Wage Legislation.

The following list of questions concerning the operation of the minimum wage law in Victoria was sent by

the New York Factory Investigating Commission to the office of the Chief Factory Inspector at Melbourne:

"First. Does the minimum wage become the maximum?"

. . . In response the following statement was received: (Page 228.)

"It is frequently asserted in this State that the minimum becomes the maximum, but our official figures show that this is not the case. I am sending by separate packet a book containing all the existing factory laws of Victoria, and a copy of my latest annual report. If you will kindly refer to Appendix B you will see what the average wage in the trade is. A further reference to Appendix D will give you the wages in any particular trade. I regret that I have not figures which will precisely answer your question, but a careful comparison will show that the average wage in a trade is invariably higher than the minimum wage. I do not know that there is any exception to this in Victoria." (Page 229.)

The following list of questions concerning the operation of the minimum wage law in England was sent by the New York Factory Investigating Commission to the Office of the Board of Trade at London:

"First. Does the minimum wage become the maximum?"

. . . In response the following statement was received: (Page 243.)

"I am directed by the Board of Trade to say that, as the Trade Boards Act has only been in operation for a comparatively short period, they consider that it is yet too early to express a definite judgment on its indirect and ultimate results.

"The Board are of opinion, however, that provisional replies, based on the experience so far obtained of the working of the act, may be given to the questions contained in your letter, as follows: (1) The board are not aware of any general tendency among employers to reduce rates to the minimum allowed by law in cases where higher rates have been paid in the past. On the contrary, there is reason to suppose that the better organ-

ization of the workers, which has been observed to have taken place in the trades to which the act has been applied, tends to prevent the legal minimum rate from becoming in fact the maximum. (Pages 243-244.)

Report of Chief Inspector of Factories of Victoria. 1902.

Boot Trade.

Mr. Billingham reports:

The minimum wage has not proved the maximum in this trade, as many of the better workmen are paid more, some receiving as much as 15s per week over the minimum, proving that a good workman will always be paid much above the minimum or even average wage. (Page 15.)

Report of Chief Inspector of Factories of Victoria. 1906.

Plate Glass Board.

Mr. Billingham reports:

Every factory visited and employees questioned. This determination is being well observed, and working smoothly. The minimum wage is not by any means the maximum, as many employees receive over the legal rates. (Page 35.)

Shirt Board.

Miss Shay reports:

The Workers are principally all on piecework, and able to earn considerably more than the minimum wage. In the cases of those receiving a weekly wage, I have found determination complied with. (Page 38.)

Report of Chief Inspector of Factories of Victoria. 1907.

Artificial Manure Board.

Mr. Billingham reports:

In the majority of cases the employees are being paid higher rates than those provided by the Courts of Indus-

trial Appeals (36s), and feel dissatisfied that the rate provided by the board (40s 6d) should have been reduced. (Page 15.)

Jam Trade Board.

Miss Mitchell reports:

The determination is well complied with, the majority being paid a piece-work rate, which averages considerably more than the minimum wage. (Page 41.)

Report of Chief Inspector of Factories of Victoria. 1908.

Bread Board.

Mr. Collopy reports:

Wages are still being paid in excess of determination rates. Every adult worker questioned by me confirmed the above statement. (Page 21.)

Mr. Duncan reports:

Those that come under my inspection are in the majority of cases paid more than the legal rate. (Page 22.)

Mr. Austin reports:

In most cases the men working at this trade are receiving above the legal wage. (Page 22.)

Brick Trade Board.

Mr. Rowe reports:

I find that in the majority of the yards rates in excess of the determination are being paid, and I have received no complaints. (Page 24.)

Plate Glass Board.

Mr. Billingham reports:

The minimum wage for this trade is not by any means the maximum. Many of the employees receive more than the legal rates, and there have not been any cases of breach of determination. (Page 47.)

Underclothing Trade.

Miss Mitchell reports:

The determination in this trade is working well. I

have not had any complaints. I find the wages paid are far in excess of the minimum for skilled workers. (Page 55.)

Report of Chief Inspector of Factories of Victoria. 1909.

Shirt Board.

Mr. Ingham reports:

I can only repeat my report of last year, that this determination is being satisfactorily carried out and most of the boys receive far above the minimum rates. (Page 65.)

Underclothing Board.

Miss Thear reports:

The minimum wage in this trade is 16s. The board has not thought it necessary to raise it, as, owing to the scarcity of competent hands, more than that amount can be readily earned by proficient hands. In a room where 172 hands are employed (mostly on piece work), 107 are earning more than the minimum wage of 16s, and there are only six who earn the bare 16s.

Miss Shay reports:

This trade is not largely represented in my district. The majority of workers are being paid weekly wages, and it is pleasing to note the minimum wage is not the maximum paid, by any means.

No evasions have come under my notice during the year. (Page 69.)

Report of Chief Inspector of Factories of Victoria. 1910.

Milliners Board.

Miss Cuthbertson reports:

Though the increase in the minimum wage is a substantial one, I do not expect to find any marked increase in the average earnings of those employed, owing to the small number working who receive the minimum. (Page 54.)

Minimum Is Not a Maximum.—Australasia

Report of the New Zealand Department of Labor. 1902.

It is my pleasant duty once more to report a prosperous year for the laboring classes in New Zealand. The steadiness of employment, the extension of industries, and the improvements in regard to wages, hours of work, overtime pay, etc., have made the position of the workers generally more endurable than it has been for many years.

It was asserted that when the court fixed a minimum wage in a trade, that wage tended to become an average wage or even a maximum. Such a system would scarcely be possible in a large business, or even a go-ahead small one, for a capable workman knows his own value too well to work under such conditions, and if an employer wants to keep up with or to surpass his competitors he must get the most efficient hands he can find or pay for. It is true, however, that when a workman leaves his old employer and gets new work, he often has to start on a minimum wage, but if he is a valuable man he does not long remain at that rate. In practice, however, it is found that the best men leave the minimum wage far behind, and there has been no proof presented that during the last two or three years—during which most of the awards have been made, any suffering has been caused by the institution of a minimum wage, while the benefit to the majority of workers is indisputable. (Page 5.)

Report of the New Zealand Department of Labor. 1909.

In Table 6, appended to this report, appears the result of an investigation, as far as factories are concerned, into the extent to which the Arbitration Court in fixing a minimum wage has or has not lowered the average wage, or injured high rates for especially good workers. It has so often been asserted with blind confidence that every award of a minimum wage has "levelled down" all wages, that it will come as a surprise to the general public to find how few workers have to accept the minimum wage, which is not, as has been so often stated, "the award wage", but a limit of wage below

which no persons in that particular trade may be paid. In the bootmaking trade, for instance, in Auckland 66%, in Wellington 85½%, in Christchurch 66%, and in Dunedin 50% of the workers receive wages above the minimum wage. In Auckland 91%, in Wellington 57½%, in Christchurch 50% and in Dunedin 26% of the cabinetmakers receive above the minimum wage named in the award. Plumbers and gasfitters receiving wages above the award minimum are: In Auckland 66%, in Wellington 19%, in Christchurch 84%, in Dunedin 59%. It is of no use laboring the matter here by quoting figures too profusely, since the whole state of the case can be seen by any person studying the table, but the investigation has served to prick one of the bubbles so freely blown by opponents of the act when trying to gain the sympathy of those whose wages have been for years protected by the industrial courts from the undercutting of unscrupulous mates or the forcing down methods of greedy exploiters. (Page 13.)

Report of the New Zealand Department of Labor. 1910.

Comparison Between Minimum Rates Under Awards and the Actual Rates Paid.

However, there is sufficient evidence to show that in our manufacturing industries at least an average of 50% of the workers compared received more than the rate granted in the awards of the Court of Arbitration. Such a result must be exceedingly gratifying to those interested in the industrial legislation of the Dominion, especially in view of the fact that opponents of the act have stated in and out of season that the majority of workers are receiving only the minimum wage, and that the work accomplished by the first-class man gets no more recognition than that of the ordinary employee who makes no special effort to deserve extra monetary reward. If this allegation is true in regard to workers outside manufacturing industries—which I very much doubt—the figures quoted by the department in this report hardly bear out the contention in regard to many of our leading manu-

facturing industries. I find in regard to the cities the returns show that in Auckland, out of 2,119 employees compared, 782 receive the minimum rate and 1,337 in excess, equal to 63%. Wellington, 1,513 employees have been compared, 535 of whom receive the minimum rate and 978 in excess of the minimum, or 64%. In Christchurch, 2,367 have been compared, 869 of whom receive the minimum rate and 1,498 in excess of the minimum, or 63%. In Dunedin, 1,375 employees have been compared, of whom 599 receive the minimum and 776 in excess of the minimum, or 56½%. (Pages 11-12.)

British Sessional Papers. Vol. LXXI. 1908. Report to the Secretary of State for the Home Department on the Wages Boards and Industrial Conciliation and Arbitration Acts of Australia and New Zealand. ERNEST AVES.

Absolute uniformity of rating in any occupation appears, however, to be quite the exception, and in most trades, especially in those ranking as "skilled," it may, I think, be assumed that a certain proportion, even though it be in some cases only a small one, would receive a wage that was above the minimum, this proportion varying according to the character of the firm and the class of work. (Page 49.)

The Economic Theory of a Legal Minimum Wage. SIDNEY WEBB. *The Journal of Political Economy, University of Chicago Press, December, 1912.*

. . . We must first get clearly before us the distinction between the fixing and enforcing of a minimum, and the fixing and enforcing of a wage. What is here in question (as in all factory legislation) is a minimum, not a maximum, still less any actual decision that the wage shall be such or such sum. It ought not to be necessary to point this out. (Page 6.)

Here we have, in fact, the lesson of actual experience from a whole century of industrial history. It is only

necessary to watch the operation, in trade after trade, of analogous common rules, many of them enforced by law. These common rules, like the legal minimum wage, are always *minima*, not *maxima*. Every employer prefers to be free to do whatever he chooses; to compete in any way he pleases, on the downward way as well as on the upward way. But the enforcement in any industry, whether by law or by public opinion, or by strong trade unionism, of a standard rate, a normal day and prescribed conditions of sanitation and safety, does not prevent the employer's choice of one man rather than another, or forbid him to pick, out of the crowd of applicants, the strongest, the most skillful, or the best conducted workman. The universal enforcement of a legal minimum wage in no way abolishes competition for employment. (Page 7.)

The Trades Board Act at Work. S. C. Moore. *The Economic Journal, London, September, 1913.*

These returns also shed light upon that most interesting and important problem as to whether there is any danger of a legal minimum wage becoming the actual maximum. Of the 134 who received advances, 111 had to receive them in order to bring their earnings up to the sum required by the act; but the remaining twenty-three were getting the minimum before they received the advance. These twenty-three were evidently considered by their employers to be worth more than the lower-paid men, and when the wages of lower-paid men were compulsorily raised they were given a corresponding increase. This seems to indicate that whatever causes have tended to produce variation of wages in the past will continue to operate after a minimum has been fixed by the Trade Board. (Page 445.)

Minimum Is Not a Maximum.—Great Britain

Report of the National Anti-Sweating League. 1913. Manchester, 1914.

The progress of this Union clothiers' operatives throws an interesting light upon the fear of which much was made when the Act was passing through Parliament that any minimum rate fixed would tend to become the maximum. Growing strong in the Leeds district, the chief centre of the tailoring trade, the Union demanded, and eventually obtained from the employers there, the fixation of minimum rates appreciably higher than those fixed by the Trade Board. Instead of 3¼d. an hour for women and 6d. for men the effective minimum rates in the Leeds area are now 4d. and 8d., the higher rates being as clearly traceable as the lower ones to the establishment of the Trade Board in the industry. These figures, illustrative of the increases that the Clothiers' Union is beginning to win for its members in the centres of the tailoring industry, go some way also to confirm the soundness of the policy of the Boards when they fixed their minimum rates to apply to the whole country. It was the view of those who favored this course that, on top of the universal minimum, the forces that originally determined the relative levels of district wages would continue in activity, and the case of Leeds shows the expectation well founded. (Page 18.)

(6) Effect on Employment: Displacement of Workers.

The fear that minimum wage determinations lead to a wholesale dismissal of women workers and their displacement by men, not subject to the law, has proved groundless. The federal investigation of retail stores in Oregon, made five months after the minimum wage decree went into effect, showed that no effort had been made to fill women's positions by men and that little if any loss of employment among women can be attributed to the minimum wage rulings. The loss of employment in retail stores during 1914 is clearly due to other obvious causes such as the effect of the countrywide business depression and certain local changes. One of these was the new policy of charging for alterations of garments inaugurated in 1914 by the Portland Retail Merchants Association. This automatically reduced the demand for such work and led to the dismissal of 48 per cent. of the alteration force. The reduction of working hours and a 6 p. m. closing regulation operated further to reduce the labor force aside from any increase in wages.

In Australasia, similar fears as to the dismissal of workers under the wage board system have also been disproved. In some trades there has been a temporary decrease of workers after a wage determination, but in each case other factors have contributed, aside from the increase in wages, and after the period of adjustment, industry has followed its normal course.

Investigation of the effects of minimum rates in the tailoring trade in Great Britain corroborates these facts and furnishes additional evidence of their truth.

For Working Women in Oregon. CAROLINE J. GLEASON, *Former Secretary Industrial Welfare Commission of the State of Oregon. The Survey. September 9, 1916.*

In June, 1913, a law became effective in Oregon which made illegal the employment of women and minors for wages too small to keep them in health, for unreasonably long hours and under insanitary conditions of work.

The Industrial Welfare Commission, composed of three persons, one representing the employers, one the employees, and one the public, was charged with the administration of the law. The commission was organized early in June and began work immediately. Six months later wage and hour determinations affecting approximately 25,000 women and minor girl wage-earners in all industries in the state had been issued. . . .

Subsequent enforcement of these orders brought out their weaknesses and unregulated conditions which needed attention. In March of the present year, therefore, the commission assembled conferences to recommend revisions of its former orders, to suggest standards of wage rates for piece workers and hour and wage standards for minor boys. In June, the commission issued a revised code of rulings on wage, hour and sanitary conditions of work which affects the employment of approximately 35,000 women and minor workers. The general provisions of this code require:

. . . 9. A graduated wage scale for apprentices employed at time rates. The apprenticeship period of one year is divided into three equal periods of 4 months each with the beginning wage fixed at $6 a week and a raise of $1 a week required at the end of each 4 months. . . .

The most important of these provisions is the graduated wage scale for the inexperienced workers. The former apprenticeship ruling had failed to insure beginners the training and the permanent positions at the end of the apprenticeship period, which it had been designed to secure. This was because some employers dismissed girls as soon as the first year had expired or shifted them

to slightly different work in new departments, thus starting them on a second year of apprenticeship at the $1 a day wage. This evasion has been responsible for many of the statements that Oregon wage legislation is not successful, but common report has greatly exaggerated the extent of the abuse. An accurate count of the number of girls dismissed at the end of the first year's service has not been obtained, but certain facts are known which indicate that the number is much smaller than is generally supposed:

(1) The system was confined almost entirely to a few mercantile stores.

(2) Those so dismissed were in departments where the work is unskilled, such as wrapping, stockroom, etc., which are considered non-productive departments. No case has been reported of a saleswoman who was dismissed at the end of her apprenticeship.

(3) Young women dismissed for inefficiency, dull seasons, personal grudges of department heads, etc., were led to believe that the law was responsible.

(4) Payrolls of mercantile stores for the years of 1914 and 1915 show numerous advances in salary to girls first employed at apprentice wages. (Page 585.)

United States Bureau of Labor Statistics. No. 176. Women in Industry Series. No. 6. July, 1915. Effect of Minimum Wage Determinations in Oregon.

Although this study of the effect of minimum-wage determinations was as comprehensive as the situation would permit, the numbers of women affected in the State of Oregon were too small and the time for adjustments both for the business interests concerned and the State authorities was too short to allow the results of the study to do more than show tendencies. This study can not be assumed to show the ultimate effects even in Oregon.

The general business depression of 1914 was felt by Portland mercantile establishments, and injected into the problem of determining the effect of the minimum

wage another factor of material influence. A depression in business automatically reduces the numbers employed. (Page 7.)

It is therefore important to guard against confusing the effects of depressed business with the effects of minimum-wage determinations. The problem in Oregon was further complicated because a reduction of legal working hours and a 6 p. m. closing regulation took effect at the same time as the wage orders.

Notwithstanding all the difficulties and complications, a number of conclusions can be drawn concerning changes in conditions of labor after the minimum-wage determinations.

Certain readjustments occurred in Portland stores such as might be expected even in a normal business year. The establishment of three new departments and the elimination of two other departments requiring different grades of labor brought about the employment of some women and the dismissal of others. A policy of charging for alteration of garments, inaugurated in 1914 by the Portland Retail Merchants' Association, decreased the demand for alterations, thereby necessitating a reduction in the number of women employed in the workroom, a department paying relatively high wages.

The effect of the country-wide depression manifested itself in a marked reduction in sales in many stores. This operated to decrease the labor force, both male and female.

Throughout this discussion the influence of these factors must be borne in mind as they account very largely for the decrease in the number of women employees. The decrease in total numbers bears little or no relation necessarily to the minimum-wage determinations, but the dismissal of particular women rather than others, because they had completed their apprenticeship period and must therefore be paid a higher wage if retained, can be considered as due to the determinations.

Girls under 18 years of age have increased, especially in the errand, bundle-wrapper, and cashier occupations, but not in the more skilled work of selling, sewing, or of the office. (Page 8.)

The wage determinations have not put men in positions vacated by women. The causes operating to decrease the number of women also operated to decrease the number of men, though to a less degree, as the nonselling male force is not as adjustable as the nonselling female force. (Page 9.)

Numbers Employed Before and After Minimum-Wage Determinations.

Changes in Numbers Employed Compared With Amount of Sales.

During the months of March and April, 1913,* there were 1,919 women and girls employed in the 24 Portland and 7 Salem stores for which the amount of sales could be obtained, the other 9 stores employing but 11 women. Many of these women worked but a fraction of a month in this period.† The irregularity of employment which occurs in a two-month period renders the actual numbers employed an inexact basis for comparison of the work given to women in the two years. By dividing the total hours which these women worked in the period studied in each year by the establishment hours for the same period in each year, the number of full-time workers possible in each period is ascertained. Table 2 shows that the 1,919 women whose names appeared on the pay rolls in the 1913 period were equivalent to 1,498 full-time women, and that the 1,634 women employed in the 1914 period were equivalent to 1,332 full-time workers. The percentage of difference between these full-time workers measures the real decrease in the number of women workers in 1914. The decrease in the numbers of full-time women since the wage rulings was approximately 11 per cent. as compared with an 8 per cent. decrease in total sales.

* Conditions peculiar to one firm's business rendered these months not comparable in the two years; the records for September in 1913 and 1914 were therefore substituted.

† No "extras" or "contingents" are included in this discussion, which has to do with regular employees only.

TABLE 2.

Actual Number of Women and Girls Employed and Their Equivalent in Full-Time Workers, and Total Average Weekly Sales Before and After Minimum-Wage Determinations, in 24 Portland and 7 Salem Retail Stores.

Type of store.	Actual number of women and girls employed.			Equivalent number of full-time workers.			Per cent of increase (+) or decrease (−) in actual number of men employed.	Total average weekly sales.		
	Before determinations.	After determinations.	Per cent of increase (+) or decrease (−).	Before determinations.	After determinations.	Per cent of increase (+) or decrease (−).		Before determinations.	After determinations.	Per cent of increase (+) or decrease (−).
PORTLAND.										
Department, dry-goods, 5 and 10 cent stores	1,632	[1] 1,345	−17.6	1,269	1,100	−13.3	− 8.8	$175,338.83	$158,356.12	− 9.7
Specialty stores	167	181	+ 8.4	127	139	+ 9.4	+16.7	19,302.85	20,657.92	+ 7.0
Neighborhood stores	[1] 23	[1] 12	−47.8	22	12	−45.5	−10.5	4,821.42	3,228.13	−33.1
Total	[1] 1,822	[1] 1,538	−15.6	1,418	1,251	−11.8	− 7.7	199,463.10	182,242.17	− 8.6
SALEM.										
Dry-goods, specialty, and 5 and 10 cent stores	97	96	− 1.0	80	81	+ 1.2	None.	7,416.53	8,079.70	+ 8.9
Grand total	[1] 1,919	[1] 1,634	−14.9	1,498	1,332	−11.1	− 7.4	206,879.63	190,321.87	− 8.0

[1] Nine neighborhood stores, employing 11 women and 6 men in 1913 and 8 women and 4 men in 1914, did not report sales, and have therefore not been included in the table; nor does it include 20 saleswomen whose regular employment began with the opening of a new department on the last day of the period covered in the investigation.

In the department, dry-goods, and 5 and 10 cent stores there was approximately a 13 per cent. loss of employment among women in the 1914 as compared with the 1913 period; the total sales decreased 9.7 per cent. A detailed study of occupations, however, shows that the possible number of full-time saleswomen decreased only 9 per cent., which fairly corresponds with the decrease in sales. The excessive losses occurred in the workrooms, among the bundle wrappers, and the miscellaneous help. These heavy decreases are attributed to several causes not directly associated by employers with the minimum-wage legislation. A policy of charging

for alterations, inaugurated by the Portland Retail Merchants' Association in 1914, reduced the demand for this sort of work to such an extent that the alteration force was cut down 48 per cent., resulting in a reduction in the total workroom force of one-third. In certain stores the public restaurants and soda fountains, with the occupations incident to those departments, were abolished. Unnecessary messenger service was done away with in 1914. . . .

Little, if any, of the loss of employment among women as a group can be related to the minimum-wage determinations. Decreased business, curtailing of alteration help and messenger service, and elimination of departments operated largely in producing the 11 per cent. decrease in the numbers of full-time women employed.

The force of 974 men employed in the 1913 period in the 40 stores studied decreased 7.4 per cent. in the 1914 period, a change in close correspondence with the reduction in business. In Portland stores where business decreased the actual number of men decreased less rapidly than the actual number of women. In Portland stores where an increase in business occurred there was a greater increase among men than among women. Obviously no general displacement of women by men can have occurred. Furthermore, a detailed study of occupations disclosed little attempt to fill with men the positions left vacant by women. A few such adjustments in the office have been made, but they were made to permit the completion of work not always finished at 6 p. m., the latest hour that women could be employed in the store. (Pages 12-13.)

Massachusetts Minimum Wage Commission, Bulletin No. 7, September, 1915. The Effect of the Minimum Wage Decree on the Brush Industry in Massachusetts.

The reinspections made by the agents of the Commission furnish a basis for conclusions as to changes in the numbers employed. For 16 of the 19 brush firms employ-

ing women numbers were available for both 1913, when the original inspection was made, and 1915, the year following the decree, when the third inspection was made. (One firm refused information concerning male employees in 1915, one was out of business in 1915, and one had not been inspected in 1913.) For these 16 firms the total number of women employed has increased from 332 to 334; the total number of minors employed has increased from 36 to 51; and the total number of men employed has decreased from 472 to 417. (Page 11.)

It is obvious, therefore, that for this industry the establishment of minimum wages has not had the effect at times prophesied for it, namely, of throwing many women and minors out of work and encouraging instead the employment of men and the few skilled women. It is of course possible that if there were available the numbers employed by the firm which refused information concerning men the conclusions in this respect would be changed. In such an industry as the one under consideration, however, where the opposition to the principle of minimum wage is said to have influenced to some extent the policy of the firm referred to in employing labor, the effect upon the industry as a whole is the more significant aspect.

It will be seen from the figures quoted above that owing to the decrease in the number of men, the total number of all classes employed in these 16 establishments has decreased from 840 to 802. This conclusion is reinforced by the advance figures furnished by the Massachusetts Bureau of Statistics, which show that the average number employed decreased from 1,566* in 1913 to 1,435† in 1914. It is significant in this connection that the unemployment situation throughout the industries of the State has been almost an unprecedented one during the last twelve months, and that decrease in employment in this industry is therefore but an aspect of a general tendency. In discussing the percentage of unemployment for the quarter ending Dec. 31, 1914, the following state-

* Statistics of Manufactures for 1913, p. 3.
† Advance material furnished by the Bureau of Statistics.

ment is made by the Massachusetts Bureau of Statistics* regarding unemployment in trade union membership:

The present percentage is higher than any corresponding percentage reported since the Bureau began to collect statistics of this character at the close of March in 1908 when (immediately following the severest stress of the period of industrial depression which began in the fall of 1907) the percentage was 17.9. (Page 12.)

Fourth Report of the New York Factory Investigating Commission, 1915, Vol. I. Report of Commission.

The arguments in support of wage legislation may be summarized as follows:

That a minimum wage would throw out of employment a large group of workers has not been the experience in those countries where it has been tried, and if wage boards increase the wages of the low paid workers gradually, no such disaster would follow. It is based on the alleged fact, a fact not established through any investigation of the subject, that the worth of an employee's service is exactly known; that the girl who receives $3.50, $4.50 or $6.00 is exactly worth that sum to the employer. The subdivision of labor makes it very difficult for the employer to compute the exact value of the work done by each girl, but however unskilled her work may be, she is a necessary part in the process of completing the article and therefore of importance. We would not say that the spark plug of an automobile is as valuable as the automobile itself, yet without the spark plug the automobile is useless as a vehicle. However, it is desirable to eliminate the incompetent and defective workers from competition with competent ones. They now freely compete with the competents, thus driving down wages. This group is by no means as great as is sometimes assumed, for even now, at any wage, the employer selects the most capable persons obtainable. (Pages 43-44.)

* Bureau of Statistics, Twenty-eighth Quarterly Report on Unemployment in Massachusetts, quarter ending Dec. 31, 1914, p. 1.

Ibid. Vol. I. Appendix III. Minimum Wage Symposium.

Statement of Frank H. Streightoff, Professor of Economics, DePauw University, Indiana.

Professor M. B. Hammond in his studies in Australasia found evidence that no employers had been driven out of business by the minimum wage laws, and that few workers had been displaced. Four years of experience in England have witnessed no great expulsion of labor by the action of the Trade Boards. The following letters show that American experience as far as it goes gives no warrant for the fears that business will be seriously injured and that idleness will be increased by enforced minimum wages:

November 30, 1914.

I have your letter of November 28th regarding the fixing of the minimum wage in this state. . . .

You ask whether this or other labor legislation has driven business out of the state. We are in possession of no information to indicate that this is the case. The brush rate is very generally being paid and we know of no instance of employers being driven out. . . .

Yours very truly,
(Signed) Amy Hewes,
Secretary,
Minimum Wage Commission, Massachusetts.

December 2, 1914.

I have your letter of November 28th requesting information concerning the effect of the enforcement of the minimum wage law in this state. We have not heard that employees have been laid off because the law has gone into effect, with the exception of a very few instances. One exception was in the case of a department store which laid off the employees in the wrapping, transfer and stock taking departments, because the girls had been there a year, therefore had completed their apprenticeship under ruling in force and were entitled to a

raise from $6 to $9.25 a week. As these occupations are all unskilled, the firm dismissed the former employees and took on new ones. This is an abuse which the Commission had rather expected. Since our fears have been realized, we have called conferences for the purpose of making recommendations which will shorten the term of apprenticeship or establish a step-up wage during the year, thus minimizing the danger of dismissal. In some departments the apprenticeship period may be done away with almost entirely.

We have not heard of a single firm which had to go out of business because of the operation of the law. Last evening I heard the secretary of the Oregon Manufacturers' Association say that he knew of no one who had gone out of business and was convinced that the law had not done the harm that it had been expected to do. . . .

Very truly yours,
(Signed) Caroline J. Gleason,
Secretary,
Industrial Welfare Commission of Oregon.

December 1, 1914.

. . . I am in a position to state that this law has not resulted in driving any employer to the wall or compelled him to leave the state. I can also positively state that I do not know of a single employee who is suffering the loss of employment because of this law.

Sincerely yours,
(Signed) H. T. Haines,
Commissioner,
State Bureau of Immigration, Labor and Statistics, Utah.

This matter of displacement of labor is really the crux of the question of the desirability of the minimum wage. (Pages 671-672.)

Statement of Bruno Lasker, Investigator for the Rowntree Foundation, York, England.

Displacement of Labor.

As far as I have been able to find out, down to the outbreak of the war, the state of employment in each of the scheduled trades was higher than before the enactment and, as a matter of common knowledge, each of the industries was sharing the general boom through which we have been passing. Employers' organizations appear to have used this law to strengthen their organizations and to bring in large numbers of small employers who were previously standing out. These men, undercapitalized, using inadequate and slip-shod methods of production, and underpaying their workers, were often also undercutting prices; and although unable to compete successfully with the larger and more modern establishments in their branch of industry, they were a constant source of irritation. It appears that the necessity of having their interests represented on the Wage Board has driven these small employers in large numbers into their trade organizations; and in consequence, the trade papers, which one would expect to be most hostile to the act, are as a matter of fact accepting it with very good grace. The act itself provides for exemption in the case of slow and inefficient workers. If the scheduling of the trades had coincided with a period of industrial depression it is possible that one would have heard more of the loss of employment on the part of the subnormal workers, but under the circumstances the provisions in the law were quite sufficient to prevent any considerable hardships from arising. It is important to note that none of the trades scheduled in 1909 are protected against foreign competition. (Page 713.)

Statement of James F. Adams, Vice-President, The Canister Co., Phillipsburg, N. J.

The argument that the inferior or inefficient worker would be thrown out of work is worthless, as no one to-day keeps the inefficient worker when he can get better

help. The minimum wage would not tend to bring all wages to that level, as the only way to keep efficient and experienced help is to pay them a consideration to keep them from floating. All successful firms do this to-day and will continue to do so. (Page 787.)

Fourth Report of the New York State Factory Investigating Commission. 1915. Vol. IV. Appendix VIII. Minimum Wage Legislation in Australasia. Chap. I. Victoria.

It is often said that whenever wages are suddenly and arbitrarily raised by the force of legislative authority, that labor is apt to suffer from a general reduction in the number of workers. That this has been the actual result in many trades in Victoria is not denied. During the years 1897-1900 the problem of enforced idleness on the part of laborers became so serious that a board of inquiry on unemployment was authorized, which reported to Parliament in 1900. (Page 1903.)

The period of the greatest unemployment distress was from 1898 to 1902. New markets due to the formation of the Commonwealth were not as yet influential. The country had not yet emerged from a slough of commercial despondency and no provision had been made in the Wages Board Acts for the old, infirm or slow worker. Consequently some of the trades were seriously affected. Scores of boot and shoe workers were jobless. But if there had been no minimum wage law in effect, the same condition would have obtained. Improvements in machinery had caused the supply to exceed the demand. With an overstocked labor market, mechanical substitutes for hand power, and greater productive speed, the result was inevitable. (Pages 1903-1904.)

But eventually the trade recovered its balance and the labor market was readjusted. The fact that the number of adult males employed in the trade increased from 1,897 in 1900 to 2,861 in 1912, and the number of females from 600 to 1,571 during the same years is conclusive evidence that the trade was not permanently injured by the enactment of a higher wage standard.

In another of the initial board trades, the clothing industry, the average wage of 4,484 employees was raised 2s. 9d. per week by the determination of 1897. This was equivalent to the sum of £32,060 12s. for a whole year's work. Many women who formerly did homework were forced into the factory, while some were left without employment. The number of persons employed in the trade in January, 1898, was 208 less than at the same time in the previous year. But at the close of the year 1898 returns were given for 249 more employees than were on the books at the beginning. In the light of these facts it cannot be said that the employment of adult workers was lessened by the determination.*

The fear of a wholesale discharge of workers due to higher wage standards has frequently been voiced as the board system has been extended from trade to trade. But the actual history of the trades in question has not confirmed these predictions. The tinsmith's determination in 1905 was greatly feared, but very few dismissals resulted.† In 1909 the draper's trade came under a determination and had a similar experience.‡ The testimony of Mr. Aves is in line with the history of these trades. In reply to a general question as to whether there was personal knowledge of any cases, either of employer or employees being driven out of business by the wage boards, 49 out of 82 replied in the negative. It is especially significant that this answer was given by 21 out of 25 of those representing the employees.§ It can hardly be maintained that a permanent demoralized labor market has resulted from the enforcement of wage legislation.

Although comparatively little hardship to workers has resulted in the majority of trades, and none at all in some of the most typical and best known industries, it is not contended that no dismissals have occurred in branches coming under the board regime. On the con-

* Report of the Chief Inspector of Factories, Victoria, 1898, p. 8.
† Victoria, Report of the Chief Inspector of Factories, 1905, p. 33.
‡ *Ibid.*, 1909, p. 40.
§ Aves, pp. 61 and 187.

trary, the opposite is the case. Of a list of 17 trades coming under a determination from 1903 to 1910 and having a continuous history from 1900 to 1912, 9 showed a decrease in the number of adult male workers, while there was an increase in 8. The variation was calculated for the determination year over the immediately preceding year when the trade was under no wage restraints. In a similar group of 6 trades employing females, 3 show a decrease, 2 an increase, while 1 remained practically stationary as to the number of adult workers employed during the determination year. Another group of 27 trades employing males in which determinations took effect during 1901 and 1902, shows a decrease for 15, an increase for 10 and a stationary condition for 2. While these figures are not conclusive, they are indicative of the fact that there has been a smaller number of adult employees during the determination year in about half of the industries considered. (Pages 1904-06.)

About half of all the trades mentioned in this connection had fewer adult employees immediately after the board determination took effect. As we have seen, special and local influences may have been responsible for this condition in some cases. But the important fact to remember is that in only three instances was a decreased number of employees during the determination year associated with a permanent decline in the number of workers occupied in the trade, and in only six did a stationary condition obtain. The great majority of industries have flourished and employed a larger number of hands with each succeeding year, once the period of readjustment is past. This indicates that the greater part of the unemployment caused by the higher wage standards is one of adjustment. The prosperity and growth of industry is the best proof that the adjustment has been successfully made. (Pages 1909-1910.)

Chapter II. New Zealand.

The fact that the amount of unemployment has steadily decreased to what it is to-day, is of outstanding signifi-

cance in showing that the arbitration act has not caused this form of industrial and human distress.

But unemployment is not the only side of the labor market. There has been a positive phase as well. In 1900 the Labor Department reported that the demand for workmen exceeded the supply. The shortage of female help was such that in many tailoring, clothing, and dressmaking establishments more orders were received than could be executed.* Other reports tell the same story. In 1907 the operations of a large boot factory were so hindered by the lack of female workers that the manager had to bring in thirty girls from Leicester, guaranteeing them work for two years at 30s. per week.† Although the number of factory employees has increased yearly, the proportion of women employed has grown constantly smaller.‡ While racially this is not without its advantages, it has been a serious economic hindrance. (Page 2030.)

Taken as a whole, the problem of unemployment has been overshadowed by the greater problem of how to secure labor. Whatever effect the arbitration law has had upon the welfare of the laboring classes in New Zealand, it has not thrown men out of work. Its effect if any, has rather been to steady the permanence and continuity of employment. (Page 2036.)

Chapter VI. Summary and Conclusions.

That workers may be dismissed following the application of wage regulation to an industry, is a fact sustained by the experience of Australasia. In New Zealand many *bona fide* workers were thrown out of employment during the early years of the arbitration law.§ There was also considerable distress among the boot and clothing workers of Victoria.¶ Many of the old, inefficient, and slow workers were discharged. But in each case

* Report of the Dept. of Labor, 1900, p. 1.
† Aves, p. 89.
‡ Report of the Dept. of Labor, 1911, Diagram 3.
§ *Supra*, p. 2028.
¶ *Supra*, p. 1904.

other factors than labor legislation figured in the situation. We have seen that in the board trades of Victoria there has frequently been a decrease in the number of employees immediately after a determination became effective, but that in almost every instance this decline was only temporary.* After the period of adjustment, industry pursued its normal course. This seems to have been the general experience in this and other states. (Page 2243.)

The Establishment of Minimum Rates in the Tailoring Industry Under the Trade Boards Act of 1909. R. H. TAWNEY. *The Ratan Tata Foundation, (University of London). Bell, London, 1915.*

One of the commonest objections brought against all attempts to establish minimum rates of payment is that their effect must be to produce or to increase unemployment. This criticism is far older than the Trade Boards Act of 1909. (Page 162.)

The dislocation caused by the first application to an industry of a minimum wage is, in fact, a particular case of a general and much more extensive problem, and must be judged not in isolation, but in reference to it. Any argument against the Tailoring Trade Board based merely on the fact that it had made more precarious the livelihood of the older and slower workers, would be at least equally valid against the introduction of power-driven sewing machines, or, indeed, against the erection of factories themselves. (Page 165.)

The statement of many of the firms whom we have interviewed, that in the twelve months following the Trade Board's determination they have been busier than in the twelve months preceding it, and that they have been unable to obtain sufficient workers, is itself a *prima facie* reason for supposing that the total number of workers employed in the tailoring industry cannot as yet have been seriously, though, owing to increased output per head, it may have been slightly, diminished. This con-

* *Supra*, p. 1909.

clusion is consistent with the fact that advances in wages have been secured in the past year by operatives in the clothing trade over and above the minimum fixed by the Trade Board; for, if employment had been diminished, it is not likely that wages would have been raised. All that these facts mean is, of course, that the clothing trade as a whole has been exceptionally active during the past twelve months, and that its prosperity has not suffered from the establishment of minimum rates by the Trade Board. When trade begins to fall off, there will, no doubt, be the usual growth of unemployment.

Such a state of things is, however, quite compatible with the displacement of particular groups of workers because employers do not regard them as worth the higher rates. Our impression is that the Trade Board's determination has caused a reorganization of the learnership system which is likely to cause fewer workers between fourteen and eighteen to be employed in the future, a considerable number of dismissals of slower adult women in the districts where wages have in the past been lowest, and a quickening of the already existing tendency to concentrate in factories work which would previously have been given out to be done in the workers' homes. (Pages 166-67-68.)

The question whether many dismissals have actually taken place we have attempted to answer by inquiries among employers and workpeople, the result of which are set out in the following table. It gives the number of firms in different districts which state that they have dismissed one or more workers as a result of the Trade Board's determination. The information relates exclusively to adult workers employed on the premises of employers. It does not refer either to learners or to home-workers. (Pages 173-174.)

Out of 95 firms giving information on this point, 36 state that they have dismissed one or more adult workers as a result of the Trade Board's determination; and dismissals appear, as would have been expected, to have occurred most commonly in those districts where the advance in wages has been greatest. Clearly some em-

ployers have been led by the Trade Board to consider whether certain workers were worth employing, and have answered that question in the negative. In certain cases the proportion of workers dismissed by a firm has been considerable. Usually, however, it has been comparatively small. Among the 36 firms mentioned above, there was 1 which, soon after the Trade Board rates had become obligatory, had dismissed 37 per cent. of its women workers, 1 which dismissed 20 per cent., 1 which dismissed 16 per cent., 3 which dismissed 10 per cent., 2 which dismissed 7 per cent. It is not meant, of course, that in each case these proportions were dismissed simultaneously, but that these proportions were dismissed between the date when the minimum rates became obligatory and the date when information on the subject was obtained by us. What our evidence suggests, indeed, is not the wholesale reduction of the staffs previously employed, but the drifting away of one or more workers from this firm and one or two workers from that, sometimes at considerable intervals of time. That, in spite of some striking reductions in the number employed by particular firms, this gradual displacement has been the rule in firms which have dismissed any of their employees is, on the whole, suggested by the statements of the workers who have given us information on this point. (Pages 175-176.)

It is only in rare cases that our informants have been able to point to any dismissal of workers *on a large scale.* At Newcastle, where a Trade Union secretary was interviewed, no cases of dismissal were known to him; at Hebden Bridge only five cases had occurred between February, 1913, and February, 1914, a number whose smallness is the more remarkable because of the very large increase in men's wages which took place there. Out of 70 workers at Leeds, Manchester and Liverpool, 2 had been actually dismissed, 11 (all working at different firms) had been threatened with dismissal unless they earned the minimum rates fixed by the Trade Board, 8 had heard of cases in which dismissals had taken place.

Out of 52 interviewed at Birmingham, Bristol,* Swindon and Colchester, 3 had been dismissed themselves, 15 had been threatened with dismissal, 6 had heard of workers being dismissed. Without stressing this information too much, one may say that it does not suggest that any large body of workers have been displaced because they were not worth the minimum. Of the dismissal of any considerable number of men we have no evidence at all. The largest number of women workers dismissed from any one firm that has been brought to our notice is 40. (Page 177.)

Since time is required in order that the new standards may be adopted, the immediate displacement of workers on the first application of the minimum rates is no proof that the workers displaced will be permanently excluded from the employment even of the firms which dismissed them. In two of the most serious cases of workers being displaced which have come to our knowledge, dismissal followed by re-engagement is, in fact, what actually happened. (Page 179.)

It seems to us, therefore, that, except in comparatively rare instances, no serious displacement has hitherto taken place in the tailoring trade through the operation of the minimum rates. . . . The prognostications of numerous dismissals as the result of an advance in wages appear, indeed, to overlook the fact that the personnel of every industry is constantly changing in the normal course of events, through the influx of new workers and the efflux of old workers. That influx is likely in the future to take place somewhat more slowly, because with higher wages and better management each worker produces more, and it is significant that the dismissals brought to our notice have usually been dismissals of young workers. But, since the trade is constantly growing, there is no reason to anticipate any considerable unemployment of workers who are already in the trade.

. . . It is probable that, as wages are raised by the Trade Board, the larger output per head will cause the

*But we have had indirect evidence that there have been a considerable number of dismissals, especially of young girls, at Bristol.

number of persons in the tailoring industry to increase somewhat less rapidly from decade to decade. But it would be equally unreasonable to describe that result as implying that the Trade Board had been productive of unemployment. (Pages 181-182-183.)

The Establishment of Legal Minimum Rates in the Box Making Industry under the Trade Boards Act of 1909. The Ratan Tata Foundation, (University of London). M. E. BULKLEY. *With Introduction by* R. H. TAWNEY. *Bell, London, 1915.*

The most serious question is, of course, the dismissal of adult workers. This danger was present to the minds of the framers of the Trade Boards Act, and provision was made in the Act to guard against it. (Pages 58-59.)

It will be seen that out of ninety-six firms, employing some 6,800 women workers, only thirty-two replied that they had dismissed any of their women, the number affected being not more than 300, or about 4.4 per cent. The numbers dismissed are, it must be admitted, only a very rough estimate, for it was frequently difficult to get a more precise answer than that "several", "a few", or "one or two" had been dismissed. There is reason to believe that in some cases the number discharged was greater than the employer admitted. And in other cases, when the employer himself, perhaps, had dismissed none of his workers, he declared that other firms were discharging large numbers. "The Act has hit the inefficient worker," said a Birmingham employer, "and large firms are discharging them frequently." "Inefficient workers are being dismissed all around," said another employer in the Midlands; "I have had numbers sent to me to employ, but it is impossible to do so if the minimum wage of 13s. is to be paid." The proportion of dismissals seem, as might naturally be expected, to be greatest in towns such as Birmingham and Norwich, where the Trade Board's determination caused a considerable increase in wages. In Birmingham a worker told us that there had been "a great shift round" among the em-

ployees, owing partly to the many dismissals of slow workers, partly to the greater alertness of the more efficient workers in trying to better themselves. But, on the whole, it would appear that up to June, 1914, at any rate, the establishment of minimum rates had not led to any large displacement of labour. (Pages 59-61.)

Our general impression from the evidence which has come before us is that, while a certain number of adult workers have been dismissed, the appearance of anything like unemployment on a serious scale, as a result of the minimum rates, has not yet taken place and is not likely to take place in the future. The belief that those below a certain standard of capacity would be "squeezed out", and that the number so displaced would be considerable, rests upon an assumed fixity and stationariness of industrial relationship which does not, in fact, exist. On the one hand, there are very few workers of whom it can be said that they are and must always be "inefficient". The inefficiency ascribed to them is relative to the conditions under which they work. When those conditions are altered through the advance in wages brought about by the Trade Board, the result is often the introduction of further changes such as have been described in Chapter IV, which enable them to earn the minimum rates without difficulty. On the other hand, irrespective of any effects which can be ascribed to the minimum rates, the personnel of every industry is constantly changing in the ordinary course of events through the entry into the trade of young workers and the departure from it of those of an advanced age. (Page 63.)

The Effect of Minimum Wage Legislation Upon British Industry. B. Seebohm Rowntree, (*Director in the Firm of Rowntree and Co. Ltd., Manufacturers of Cocoa*). *Financial Review of Reviews. London, July, 1914.*

Before concluding I must refer to a few general considerations which are of importance. It must be borne in mind, in contemplating any fixing of minimum wages,

that no employer can be forced by law or by the pressure of the workers to employ men permanently at a loss. There is, therefore, a definite limit beyond which wages cannot be raised without throwing many workers out of employment. But the limit is not so low as the average employer would often have us suppose. He does not allow for the economies in the cost of production which can, if necessary, be brought about in his own factory, nor for increased efficiency on the part of better paid workers. For the reasons stated in this article I believe that wages could be raised to the efficiency level in all industries without causing any serious amount of unemployment.

But this is not to say that it would be wise in every trade to fix wages at this level immediately, or to fix exactly the same wages for the whole country, irrespective of differences in the cost of living. The right course to adopt would be to extend the present system of Wage Boards to all trades where low wages are paid. The precise level at which wages should be fixed in each trade would then be discussed in great detail by representatives of the employers and workers in the presence of three independent persons whose votes, in case of even voting between employers and workers, would determine the issue. If in any industry it could be proved by the employers that the immediate raising of wages to an efficiency level would lead to widespread unemployment, it would be wise to make advances gradually, fixing, however, a date, possibly two or even three years ahead, by which the efficiency minimum must be reached. Wages have increased enormously during the last fifty years through trade union action and from other causes, but there is no tendency for unemployment to increase. So long, therefore, as such a reasonable consideration is accorded to the conditions governing each industry as would be given by Trade Boards, there is no cause to fear any appreciable increase in unemployment as a result of the fixing of efficiency wages by law. There may be slight local and temporary dislocations, but such dislocations accompany almost all industrial developments. (Pages 784-785.)

(7) Benefit to Industrial Peace.

The establishment of minimum wage boards has tended towards creating industrial peace. Instead of resorting to strikes and lockouts, employers and employees are brought into co-operative relations.

For Working Women in Oregon. Caroline J. Gleason *Former Secretary, Industrial Welfare Commission of the State of Oregon. The Survey, September 9, 1916.*

Certain intangible results, equally as important as the wage determinations, have been brought about through the operation of the law. The method of administration—boards composed of employers, employees and representatives of the public—has brought employer and employee together on common ground and has given each a realization of the other's difficulties, while the employee has been made to feel her value as an individual to the community. (Page 586.)

A New Province for Law and Order: Industrial Peace through Minimum Wage and Arbitration. Henry Bournes Higgins, *High Court of Australia, Melbourne.* [*President since 1907 of the Court of Conciliation and Arbitration.*] *The Harvard Law Review, November, 1915.*

The following propositions may, I think, be taken to be established in the settlement of minimum wages by the court. . . .

1. One cannot conceive of industrial peace unless the employee has secured to him wages sufficient for the essentials of human existence.* (Page 16.)

In conclusion, I may state that I am not unaware of the far-reaching schemes, much discussed everywhere, which contemplate conditions of society in which the adjustment of labour conditions between profit-makers and wage-earners may become unnecessary. Our Aus-

* Boot-factories, 4 Com. Arb. 1, 10 (1910); Seamen, 5 Com. Arb. 147, 164 (1911).

tralian Court has nothing to do with these schemes. It has to shape its conclusions on the solid anvil of existing industrial facts, in the fulfilment of definite official responsibilities. It has the advantage, as well as the disadvantage, of being limited in its powers and its objects. Its objective is industrial peace, as between those who do the work and those who direct it. It has no duty, it has no right, to favour or to condemn any theories of social reconstruction. It neither hinders nor helps them. But it is obvious that even if all industries were to be carried on under State direction, industrial peace would be as vitally important as it is now; and that it could not be secured without recognition of the principle which the Court has adopted, that each worker must have, at the least, his essential human needs satisfied, and that among the human needs there must be included the needs of the family. Sobriety, health, efficiency, the proper rearing of the young, morality, humanity, all depend greatly on family life, and family life cannot be maintained without suitable economic conditions. (Pages 38-39.)

Australia's Court of Arbitration. Vance Palmer. *The Empire Review and Journal of British Trade, London, May, 1915.*

There are always employers to be found who will, automatically and on principle, resist any raising of wages, whether the cost of living has increased or not, and if a judgment is given against them it is open to them to assume attitudes of injured innocence. One cannot, however, estimate the way in which the employers generally regard the Court of Arbitration from the opinions and activities of this small but very eloquent section. A better judgment can be formed from the fact that employers have, not infrequently, asked for the Court's intervention in the settlement of disputes.

It is not necessary to go back further than volume vii. of the reports to find examples of this. On April 16, 1913, for instance, we find the secretary of the Commonwealth Steamship Owners' Association making an ap-

plication for a conference in the matter of a dispute between his company and the Federated Seamen's Union of Australia. On May 27, in the same year, the Managing Director of W. Angliss and Co. Proprietary, Ltd., filed an affidavit in support of a conference in connection with a threatened dispute in Victoria and the Riverina with regard to the slaughtering of stock for export. Again on December 15 the secretary of the Victorian Brewers' Association lodged an application for a conference in connection with a dispute in the brewing industry extending through five States. (Pages 186-187.)

But the crowning vindication of the Court lies in the fact that during the whole ten years of its existence, a period of industrial disturbance and unrest in all countries, its awards have never been flouted by either employers or employees. (Page 187.)

California Senate and Assembly. Document No. 27. 1910. Report on the Labor Laws and Labor Conditions of Foreign Countries in Relation to Strikes and Lockouts. HARRIS WEINSTOCK, *Special Labor Commissioner.*

The wages boards have brought about another unexpected blessing to Victorian employers, wage-workers, and to the body politic. They have, for a period of over twelve years, aided in, if not maintained, an unprecedented era of industrial peace. The fact that the State had provided machinery where wage-earners, having wage grievances, could get a fair hearing and a fair deal at the hands of the trade experts representing both sides of the issue, and the fact that the determinations are enforceable against employers, left little occasion to resort to strikes in order to secure what they deemed equity.

In consequence Victoria, considering the numbers industrially engaged, has enjoyed the highest degree of industrial peace that in the past decade or more has been vouchsafed to any other country in any occidental government. It must, therefore, be evident that if industrial peace is the test, Victoria has come more nearly to

discovering the missing link between capital and labor than has any other modern industrial land. (Page 73.)

Report of the Massachusetts Commission on Minimum Wage Boards, 1912. House Document No. 1697.

In Victoria, at the instance of either employers or employees, or of the Minister of Labor, the Legislature may authorize the creation of a special board, which is empowered to fix a minimum wage for a given trade. . . .

These special boards, although authorized to secure a "living wage," in practice have served rather to formulate common rules for a trade, to bring employees and employers into co-operative relations and to provide suitable machinery for the readjustment of wages and other matters to changing economic conditions. (Pages 14-15.)

It would furnish to the women employees a means of obtaining the best minimum wages that are consistent with the on-going of the industry, without recourse to strikes or industrial disturbances. It would be the best means of ensuring industrial peace so far as this class of employees is concerned. (Page 26.)

The Minimum Wage in Great Britain and Australia. Matthew B. Hammond, Ph. D., *American Academy of Political and Social Science. Annals. Vol. 48, July, 1913.*

In spite of the fact that the law in Victoria does not forbid strikes, as is the case under compulsory arbitration, it would be hard to find a community in which strikes are so infrequent as they are in Victoria. There are, I think, not more than half-a-dozen cases in which a strike has occurred in a trade where the wages and hours were fixed by a wages board. The only serious strike of this sort was in a trade where the court of industrial appeals had lowered the wages fixed by the wages board after these wages had been paid for some weeks. . . . There can be little doubt but that the representatives of both parties go away from these meetings with an understanding of the problems and difficulties which the other side

has to meet, which is usually lacking in trades where collective bargaining is not resorted to. This was repeatedly brought to my attention both in and out of board meetings by men who had taken part in these discussions. It probably goes far towards explaining the infrequency of strikes and lock-outs. (Page 32.)

Some Aspects of the Minimum Wage. H. A. MILLIS. *Journal of Political Economy, February, 1914.*

An eleventh result should be that the number of strikes in the textile and the garment trades will be diminished and the advance of such revolutionary organizations as the Industrial Workers of the World checked. In Victoria and the other Australian states where wages and the conditions of work are determined by wages boards, strikes have been of less frequent occurrence than before, because the machinery for the determination of what is fair is at hand and the pressure of public opinion to make use of it is strong. Moreover, the method of arriving at a fair wage may of itself teach the workers that after all there is not the absolute separation of interests which the oppressed at present are likely to assume to exist. Any reduction of the number of strikes, when adequate machinery is fixed for solving difficulties, will be a decided gain to employees, employers, and the public which is frequently taxed to make good losses which have been incurred and to provide the necessary police force to maintain law and order. That the checking of any revolutionary feeling, by striking at fundamental causes, is of importance will be generally accepted without question. (Pages 148-149.)

Journal of the Legislative Council, New South Wales. Vol. LXIII. Part II. 1901. Report of the Royal Commission of Inquiry into the Working of Compulsory Conciliation and Arbitration Laws. JUDGE A. P. BACKHOUSE.

Although I have gone fully into matters in which the act appears to be defective, I wish it to be clearly and

unmistakably known that the result of my observations is that the act has so far, notwithstanding its faults, been productive of good. I have emphasized what were pointed out to me as its weaknesses, in order that they may be avoided should similar legislation be enacted here. The act has prevented strikes of any magnitude, and has, on the whole, brought about a better relation between employers and employees than would exist were there no act. It has enabled the increase of wages, and the other conditions favorable to the workmen which, under the circumstances of the Colony, they are entitled to, to be settled without that friction and bitterness of feeling which otherwise might have existed; it has enabled employers, for a time at least, to know with certainty the conditions of production, and therefore to make contracts with the knowledge that they would be able to fulfil them; and indirectly it has tended to a more harmonious feeling among the people generally, which must have worked for the weal of the Colony. (Page 25.)

State Arbitration and the Living Wage. Fabian Tract No. 83. London, 1903.

The great difficulty in the way of arbitration is the refusal of the disputants to admit that anyone is concerned in their quarrel but themselves. When the Board of Trade at last intervened in the Engineering War its conduct was denounced by Sir Henry Howorth, F.R.S., M.P., as an "impertinence," and the *Times*, October 7, 1897, declared that: "The right of interference by a Government department can only be exercised to any good purpose when the conflict is practically over, and when one side or the other wishes to have an opportunity for honorable retreat." Against this belated theory of the right of private warfare we oppose the only theory under which social peace is possible—the right and duty of the State both to safeguard the national welfare and industry, and to secure the well-being of each of its members. This theory is particularly applicable to strikes and lockouts where large numbers of people, not concerned in the

dispute, are often seriously injured by the stoppage of work. For the sake of the public peace the State interferes in the purely private quarrels of a couple of litigants, for the sake of the public health it interferes at every turn with the rights of private property, for the sake of safety to life and limb it interferes with the internal arrangements of factories and mines and the right of an employer to do what he likes with his own, for the sake of common honesty it regulates the payment of wages by means of Truck Acts, "Particulars Clauses," and Check weighmen. To extend this general principle of the regulation of industry by common rules to the determination of wages, hours, and the other conditions of labor is a natural sequence. (Pages 9-10.)

In return for this State interference employers are offered the opportunity of conducting their business under the rules of peace instead of war, of freedom from cessation of industry, and of having the terms and conditions of labor fixed for periods of sufficient duration to enable them to enter advantageously into future contracts. The workmen are given the great boon of steady rate of wages, and instead of having to maintain their standard of life in an unequal struggle against the present-day huge amalgamations of capital, they are offered an impartial umpire and a judicial inquiry. (Page 10.)

British Sessional Papers. Vol. LXXI. 1908. Report to the Secretary of State for the Home Department on the Wages Boards and Industrial Conciliation and Arbitration Acts of Australia and New Zealand. Ernest Aves.

The boards, especially those formed in the women's trades, are greatly valued and are widely believed in, and a chief explanation of this must, I think, be found, not so much in any demonstrable and lasting effects that they have had on the individual earnings of women, as in the increased feeling of security that they give, and in the belief that they make treatment more uniformly fair.

The boards have helped both in the home and in the factory, and probably not simply in the trades under them, to set a more certain standard. They are also believed to mark out a point below which, should reaction come, wages will not, at least without greater difficulty, fall. The test of this period of decline has, it is true, not been reached, and should it come, the determinations may break down. But while maintained or sometimes even when exceeded, they are felt to be a source of strength. They affect sentiment, both public and private. They help to establish beneficial customs, and if character is not thereby weakened, this is a great gain. They become, moreover, something which the conscience, not only of the trade, but also of the community, has to take into account. (Page 123.)

Hansard's Parliamentary Debates. Vol. 51. 1913.

Mr. T. Wing, Member for Houghton, Durham:

The minimum wage also introduces an element, which is a great improvement upon what you would call an industrial strike for increase of wages, namely, the principle of an independent authority between the two parties, to consider the claims on the one hand and the possibility of granting them on the other. That seems to me to be a very great point gained. (Page 1310.)

(8) Benefit to Competing Employers.

The establishment of a legal minimum wage reinforces the practise of the most enlightened employers. It tends to bring industry up to the best prevailing standards in each trade. It enables the enlightened employer to pay higher wages without fear of underbidding competitors. It thus tends to preserve reasonable competition among employers as it has previously been shown to preserve reasonable competition among the workers.*

A Living Wage by Legislation. The Oregon Experience. Rev. Edwin V. O'Hara, *Chairman, Industrial Welfare Commission of Oregon. State Printing Department, Salem, 1916.*

Employers' Viewpoint.

While the argument for minimum wage legislation is generally stated from the standpoint of the employees, it must not be supposed that such legislation is opposed by representative employers. Even apart from the human appeal to which most employers readily respond, a policy of enlightened selfishness on their part would lead them to support this legislation. A legal minimum wage destroys the advantage which unscrupulous employers who are willing to cut wages below the subsistence level have always enjoyed over their more decent competitors. Respectable employers have not been slow to appreciate this fact, as was evident during the public hearings held in the spring of 1916, by the conferences appointed to revise the orders of the Oregon Industrial Welfare Commission. During those hearings, while many employers manifested opposition to further reduction of the working day, opinion was practically unanimous in favor of minimum wage legislation; and an increase in the weekly minimum wage in many occupations in Portland from $8.25 to $8.64 was awarded without a

* See page 330 ff.

single voice being raised in protest at the public hearings held by the Commission. It may be recorded as a matter of interest that the first real encouragement which the movement for wage legislation received in Oregon was a unanimous resolution of endorsement by the Board of Governors of the Portland Commercial Club. (Page 18.)

The Australian Experience with Wages Boards. M. B. HAMMOND, *Vice-Chairman Industrial Commission of Ohio. The Survey, February 6, 1915.*

What, it will be asked, have been the industrial consequences of this legislation in Australia? As a preface to this part of the discussion, I may say that during the year 1911-1912, I spent seven months in Australia and New Zealand, studying the operation of the minimum wage and compulsory arbitration laws of those countries. My work was carried on in the various states, largely in the offices of the departments of labor, charged with the work of administering these laws, and through the kind efforts of the officials of these departments I was enabled to attend many meetings of the wages boards and to interview employers, trade union secretaries, public officials and other persons who had knowledge concerning the operation and effects of these laws. (Page 497.)

How now, it may be asked, has the employer benefited by the system of wages boards? Is he the unwilling victim who suffers for all the gains secured by the workers? There can be no doubt that the employers were bitterly opposed to the act at the time of its passage. The Victorian Chamber of Manufactures led the attack on the system both in 1896 and again in 1900, when the system was extended to trades which had not been provided for by the earlier act. In Melbourne, I had lengthy interviews with the presidents and secretaries of both the Chamber of Manufactures and the Victorian Employers' Association, and with the secretary of the association which represents the mine-owners and operators. All these gentlemen made some complaints concerning the

administration of the act, and the way in which determinations had been reached in several boards; but not one would admit that he wished to see the wages boards abolished, and practically all agreed that the system was better for employers than the old system of unregulated competition. This opinion was also expressed by many employers in Victoria and in New South Wales and South Australia, where the same system or something similar to it exists. I did not find an employer who desired to return to the old system of free competition in the purchase of labor, although I made an effort to learn who were opposed to, or out of sympathy with, this method of regulating industry.

The reasons for this change in the opinions of employers are easily explained. The minimum wage has not been detrimental to their business, and has forced their rivals to adopt the same scale of wages which they are themselves obliged to pay. Every employer who desires to be fair to his employees now knows that he is not being taken advantage of by a less competent, or more greedy competitor, who attempts to undersell him by forcing down the pay of employees. It is a mistake to think that employers generally desire to pay low wages. Many in this country are heartily ashamed of the wages they now pay and would be glad to pay more, and would do so were it not for competitors who take advantage of the workers' necessity. (Pages 498-9.)

Fourth Report of the New York Factory Investigating Commission, 1915, Vol. I. Appendix III. Minimum Wage Symposium.

Statement of James F. Adams, Vice-President, The Canister Co., Phillipsburg, N. J.

I believe that a minimum wage law would be beneficial to the employer and employee. Beneficial to the employer who wishes to do right because at the present time he cannot pay more than the prevailing rate of wages and compete with others, and to the employee who is then assured of a certain wage and, to a certain extent, would

thereby be made free from local and trade conditions which might tend to reduce wages in a particular section. (Page 787.)

Statement of Richard S. Childs, New York City.

I am the director of a small corporation employing a number of girls in Brooklyn to whom we pay less than the $9 a week which probably constitutes a living wage in that borough. On the other hand, we pay $1 to $1.50 per week more than the prevailing rate of wages in that labor market. That is to say, we can hang out a sign in front of our factory saying, "Girls Wanted—$4.50 a week," and get applicants galore who are capable of doing the class of work which we require. I am convinced that they are the same girls that come to us when we hang out the sign saying, "Girls Wanted—$6 per week." We pay the higher wage as a concession to our own self-respect, and because the business in recent years has become profitable enough so that we can easily afford it. If our competitors would raise their wage standards, we would be willing to go higher than they do with our wage rate, on the principle that we are strong enough to accept a certain amount of handicap in this matter. (Page 793.)

Any minimum wage proposition which will protect us from the present unfair competition of those who do not scruple to pay the lowest wages possible will be a boon to sound industry and wholesome trade conditions. (Page 794.)

Fourth Report of the New York State Factory Investigating Commission, 1915. Vol. IV. Appendix VIII. Minimum Wage Legislation in Australasia. Chapter I. Victoria.

. . . The greatest argument in justification of a uniform rule is that it puts the honest employer equal with the one who will undercut wages if possible. In the boot trade the enactment of a determination at once weeded out a large number of unscrupulous manufac-

turers.* In the brushmaking industry many employers were protected against the competition of exploiters of female labor.† Other instances similar to these are mentioned in the discussion of sweating so that a further enumeration of examples is unnecessary. (Page 1922.)

Chapter VI. Summary and Conclusions.

As minimum wage standards have prevented the under-cutting of wages by the competition of needy employees, so employers have been prevented from scaling down wages in their effort to attract business from competing firms. In New Zealand many complaints for breaches of the law have come from employers who wished to prohibit their rivals from unfair competition. In Victoria and other states of Australia, the tendency has been to drive the sweating and incompetent employer out of business.‡ As some provision for the extension of awards and determinations is effective in almost every state, the opportunities for unfair competition have been reduced to a minimum. It is clear that one of the results of a legally fixed minimum wage has been to put the unscrupulous employer upon a plane with his more honest competitor. (Pages 2244-45.)

A Country Without Strikes. Henry D. Lloyd. *Doubleday, Page & Co., New York, 1900.*

That an Arbitration Act can operate as much for the protection of employers against guerilla competitors as for the protection of labor against capital, is one of the great discoveries being made by experience in this experiment. Manufacturers in New Zealand are beginning to see this and take advantage of it.

I learned of several cases in which, by assisting their employees to organize and appeal to the Court of Arbitration, the manufacturers sought to obtain decisions which would bind not merely themselves, but also their

* Victoria, Report of the Chief Inspector of Factories, 1900, p. 16.
† *Ibid.*, 1902, p. 17.
‡ *Supra*, pp. 1922, 2048, 2082.

uncontrollable competitors. Such a competitor can by this use of the Arbitration Court be prevented from making the cuts in wages which enable him to cut prices to the ruin of all who do not irritate him in squeezing out of the employees the funds to fight business rivals. (Page 45.)

Bulletin of the United States Bureau of Labor, No. 49. November, 1903. Labor Conditions in New Zealand, by Victor S. Clark.

A second desirable result that the act is generally conceded to have accomplished is the prevention of sweating and undercutting by a few unscrupulous employers, to the detriment of the trade and the prejudice of the fair-minded majority who are content to conduct their business with reasonable regard for the welfare of their employees. The chairman of one of the conciliation boards, himself an attorney and in no way specially identified with the workingmen, said: "It was a common experience to have fair employers encourage suits in order to prevent undercutting in wages." A factory inspector said: "Most of the complaints of breaches of the acts and of the arbitration awards come from the employers themselves, who want their competitors prohibited from unfair competition." Specific instances were mentioned by workingmen where they had been asked by employers to bring suits under the act in order to establish fair and uniform conditions of wages in an industry. (Page 1231.)

Bulletin of the United States Bureau of Labor, No. 56. January, 1905. Labor Conditions in Australia. Victor S. Clark.

The proprietor of probably the largest boot factory in Melbourne, a new and model establishment, expressed the following opinion of the Factories Act in an interview:

"We have invested largely in our business since the act has been in force. Under it our conditions are more

settled, and this gives us an advantage over New South Wales. Before the act went into operation sweating was rampant, and for that reason the fair employer has benefited by the change. We pay many of our employees more than the minimum wage. There are incompetent employers as well as incompetent employees, and it is the employer who never ought to be in his position who is forced to sweat men. The act eliminates that sort of an employer." (Page 73.)

The effect of the determinations is to establish uniform rates of payment and hours of labor among competing employers, and thus to favor those who are by inclination or policy most liberal to their employees; at least this must be the effect if the law is properly observed. (Page 77.)

California Senate and Assembly. Document No. 27. 1910. Report on the Labor Laws and Labor Conditions of Foreign Countries in Relation to Strikes and Lockouts. HARRIS WEINSTOCK, *Special Labor Commissioner.*

The wages boards (of Victoria) have not alone reduced the evil of sweating to a minimum, but they have achieved other most desirable and important results not exactly anticipated at the time of the enactment of the law. The authors of the measure seemingly builded better than they knew.

The wiping out of the "sweater" has been a great blessing to the fair employer, who is no longer compelled to compete with an unfair rival who, by "squeezing" helpless labor, is in a position to undersell or underbid him.

Every Victorian manufacturer starts out on an even basis, so far as payment to labor is concerned. To secure the largest share of possible business, he must exercise his managerial ability along other lines than that of "squeezing" labor. The legal minimum wage tends to drive the "sweater" out of the field. Where no legal minimum wage exists, the "sweater" tends to drive the fair manufacturer out of the field. (Pages 72-73.)

Minimum Wage Boards. FLORENCE KELLEY, *General Secretary, National Consumers' League. Proceedings of the National Conference of Charities and Corrections, Cleveland, 1912.*

It may be asked whether there is not danger, in case this constitution should be adopted and so interpreted that minimum wage boards can be created under its terms, of driving industry out of Ohio into Pennsylvania, West Virginia and Indiana, where wages may still be forced down below the minimum level of vital efficiency without interference. That threat has been made in the Australian colonies and in the English Parliament. It is made by the textile trades in Massachusetts, and will continue to be made in our states. But no industry goes. Cut-throat competitors may go, but experience has shown that the increased efficiency that accompanies the creation of wages boards deprives competition of its power for harm. In Victoria more than half of the 91 trade boards now in existence have been asked for by employers glad to be rid of cut-throat and incompetent competitors.

When, through the acquisition by the weaker working people of proper elements of bargaining strength, a living wage is made a first charge upon industry, incompetent employers must either call in the efficiency doctors and follow their prescriptions, or themselves seek work in some occupation other than fattening upon defenseless workers and keeping them in chronic destitution. (Page 9.)

The Wage-Earner and His Problem. JOHN MITCHELL. *P. S. Ridsdale, Washington, D. C., 1913.*

A continually fluctuating labor market is a heavy burden on the fair employer in manufactures. He is menaced by the undercutting of his wage rates by his rivals in business, by strikes of his employees, by the uncertainties of the future, by alterations in costs. His losses, besides, are those of a citizen obliged to help support those of his competitors not paying a living

wage and whose employees are hence from time to time thrown on the community for assistance.

We cannot but conclude that the fair employer must in the end agree with us on the desirability and feasibility of the minimum wage as here advocated. (Page 103.)

British Sessional Papers. Vol. VI. 1907. Report from the Select Committee on Home Work. Minutes of Evidence.

G. R. Askwith, Barrister, Arbitrator in Trades Disputes.

3947. How do you think that the establishment of Wages Boards would be regarded by workers and employers? You must have a good deal of experience by coming in contact with both of these classes of the community. What would be their attitude towards them, do you think, speaking broadly?—As far as I can judge from speaking to employers in many trades, they would be very glad to have them.

3948. Then you would suggest that, as regards employers, where low rates are paid, frequently they are driven by competition to pay these rates, and that they would not be unwilling to pay higher ones, if higher ones prevailed throughout the trade?—Certainly, I think that is so, if they knew that the man around the corner was not paying less. If, say, a trades-union official, or representative of the workmen, came to them and said, "I want this price raised," and their answer was, "We would raise the price if So-and-So around the corner was not paying a lower one," and the remedy was to be found in the Wages Board statement, and they were able to bring the competitor around the corner before the Wages Board, I think they would be ready to pay the enhanced price. (Pages 192-193.)

4108. Will employers generally agree as to the establishment of Wages Boards in these industries, do you think?—The employers whom I have spoken to on the matter have generally said that they see no objection to that, and that they consider no harm would be done, but they would be the better class of employers. I do not

know what a sweating employer would say to it, and I should not much mind what he did say. (Page 202.)

4184. Generally, you have found that employers are willing to accept the decisions of Arbitration Boards?—Yes.

4185. And does your experience tell you that employers would be willing to have joint Arbitration Boards and pay standard wages if all the others in the trade agreed?—Yes, I think so. The great objection of employers is to other employers paying less than they do, thereby, as they think, unfairly competing with them; and, further, all employers in a trade are particularly anxious to avoid uncertainty and to have peace. (Page 205.)

British Sessional Papers. Vol. VIII. 1908. Report from the Select Committee on Home Work.

We have been impressed by the testimony we have received to the effect that most, if not indeed all, employers would be glad to have fixed a minimum rate of payment and conditions below which neither they nor their competitors should be allowed to go. If nothing more than this were accomplished by the adoption of the recommendations which we make, a substantial step would be taken in the improvement of the position of that portion of our people whose special circumstances we have been considering. (Page XVIII.)

British Sessional Papers. Vol. LXXI. 1908. Report to the Secretary of State for the Home Department on the Wages Board and Industrial Conciliation and Arbitration Acts of Australia and New Zealand. Ernest Aves.

And from another point of view the advantage of the greater equality of conditions, both as between employers on their side and between the employed on theirs, is pointed out; there is "equal" or "more equal" competition. Competition is "fair."

So with more direct reference to "sweating": "all

have to pay the minimum." The honest employer is put equal with the "sweater." This point is mentioned repeatedly, as by one of the largest manufacturers and warehousemen in Australia, a free trader it may be noted, who approved of Wages Boards because they "levelled up the 'sweater.' "

From this point of view, which is reflected in connection with trades of many descriptions—from engineering down to white work—the Special Boards may almost be regarded as having won general approval. (Page 70.)

Industrial Conciliation and Arbitration: New Zealand.

. . . If, as has often happened, especially in the early days, recognized wages and recognized conditions were established in trades that needed them, and in which were thus eliminated those very elements of unfair or unequal competition already deprecated by the more reputable section of employers in the trade concerned, again good may be said to have resulted. In this increase of equality in competition consists indeed not only one of the great theoretical advantages of the Act, but one which has in practice been often secured. (Page 107.)

Hansard's Parliamentary Debates. House of Lords. Vol. 2. 1909. London.

Lord Hamilton of Dalzell:

But, as a matter of fact, there is not the slightest reason to suppose that any trade will either be killed or driven abroad by this Bill, and I do not think that any better proof of that is needed than the warm support which has been given to this Bill by almost all of those, both masters and men, connected with the trades mentioned in the Schedule. What we imagine will happen will be that a levelling-up process will take place. The best class of employer, the man who we have reason to believe would like to pay fair wages but is afraid of having his prices undercut by the class immediately below him, will be enabled to pay fair wages; and the third class of employer, the genuine sweater, will have to pay fair wages whether he likes it or not. (Page 976.)

Hansard's Parliamentary Debates. N. S. Vol. 2. 1909. London.

Mr. Winston Churchill, President of the Board of Trade:

. . . The principles on which we are proceeding are to endeavour to foster organization in trades in which, by reason of the prevalence of exceptionally evil conditions, no organization has yet taken root, and in which, in consequence, no parity of bargaining power can be said to exist; to use these organizations, when formed, as instruments to determine minimum standards below which the wages paid ought not to be allowed to fall; to rally to the side of these minimum standards all the healthy elements in the trade; and, finally, if and when this has been achieved, to protect the good employers—and there are always good employers in the worst of trades—who are anxious to pay a proper rate of wages from being under-cut, and to protect them by compulsory powers which are no doubt far-reaching in their character, which I also think will be found to be properly safeguarded in their use. (Pages 1791-1792.)

Wages Boards in England. E. F. Wise. *The American Economic Review, March, 1912.*

The trade board has in each case considerably increased the average rate of wages. This has been accomplished chiefly by a process of levelling up. The best employers have not objected to paying a little more provided it was obligatory on their competitors to do the same. A remarkable feature of the sweated trades, especially those in which home work plays a large part, has been the wide diversity of rates paid for the same work. Each woman working by herself, knowing very few, if any, of her fellow-workers, has been at the mercy of her particular employer, and if he took advantage of her weakness she has not dared to resist. (Page 18.)

British Sessional Papers. Vol. XIV. 1913. Special Report from the Select Committee on the Trade Boards Act Provisional Orders Bill. Minutes of Evidence.

Mr. G. Stapylton Barnes, Secretary to the Board of Trade:

I think you may take it that as a whole the working of the Trade Boards Act has been successful beyond what anybody imagined possible. The employers as a whole are, I think, satisfied, and the workers are satisfied. I believe that the employers as a whole are anxious to pay rather higher wages than they have been paying in some cases in the past provided that they are protected against other employers undercutting them. (Page 7.)

Report of the National Anti-Sweating League, 1913. Manchester, 1914.

Recognition by employers of the stimulating effect of the Trade Board upon their trades is now becoming general, and representative manufacturers from the Paper Box and Wholesale Tailoring Trades attended before the Select Committee to which the Provisional Orders Bill was referred to testify from their own experience in favor of an extension of the Act. Further, informed by the legal adviser of the employers in these two trades that the Act had been generally beneficial, the leading manufacturers affected by the extension of the Act decided not to oppose it, and at the present moment are cordially co-operating with the Board of Trade in the establishment of the new Boards, in the belief that the fixing of minimum rates of wages will discourage competition based upon sweated labor from low-grade firms in their trades. (Pages 16 to 17.)

Benefit to Competing Employers.—Great Britain

The Establishment of Minimum Rates in the Chain-Making Industry Under the Trade Boards Act of 1909. R. H. Tawney. *The Ratan Tata Foundation (University of London), Bell, London, 1914.*

The effect of setting up a Trade Board in any industry is virtually to transfer the settlement of wage rates and of matters incidental thereto from the caprice of individual employers to the control of a representative body; and, quite apart from the direct increase in the workers' income represented by the difference between the new rates and the old, this transference of authority has two important consequences. In the first place, it has the effect of defining industrial relationships by substituting general rules which have been reached after discussion for usages dictated by the convenience or necessities of particular individuals. In the second place, it influences the whole conduct of the industry by placing all producers, in respect of the price of labor, upon an equal footing, and thus preventing the practices by which particular firms were able to secure an immediate advantage over their competitors in the matter of wages. (Page 55.)

"The minimum rates," said an employer, "ought to have been in force long ago. The unscrupulous employers used to make things hard for the better men. . . . They would take work at any price and tell any tale to the poor workpeople. First, the merchant would beat the manufacturer down 3d. or 6d. by saying—often quite untruly—that So-and-So was quoting a lower price. Then the manufacturer would say, 'Well, if other people can do it at that price, we can do it,' and would go to the workers and tell them, 'So-and-So has quoted such-and-such a price. If you want to have work you must take it at such-and-such a price from me.' There was no bottom in the trade before. Now all that has been stopped. A manufacturer can reckon up his cost throughout, so much for iron, so much for labor, and so on; and therefore he knows that he cannot quote below a certain price." (Page 64.)

Report of the New Zealand Labor Department, 1902.

The better class of employer is, of course, in favor of a minimum wage, since he is compelled by his own honesty to pay his men a just price for their services and is thus exposed to unfair competition from the "sweater" who wishes to grind the earnings of his workpeople lower and lower, and abhors a minimum wage that interferes with what he calls his "liberty to run his business as he likes." (Page 5.)

Report of the New Zealand Labor Department, 1907.

It is satisfactory to have to report that generally speaking the privilege of working under an award is appreciated both by employers and workers, the former because it equalizes the conditions in the cost of production and tends to prevent cutting in prices—the latter because they know they are getting one current market value for their labor. (Page 27.)

Report of the Chief Inspector of Factories of Tasmania. 1912.

It is usual for the Chief Secretary, as the Minister administering the "Factories Act," to move the resolution in Parliament for the appointment of a Board on representations being made by employers or employees either separately or conjointly, or on the recommendation of the Department. Employees generally urge the appointment of a Board with a view to improving their wages; whilst employers may recognise that the establishment of such a Board removes unfair competition on the part of some members of their trade who do not pay the standard rate of wages, and so may be able to undersell competitors. More especially where work, as in the building trades, is let by contract does the establishment of Wages Boards prevent undercutting in making out estimates, and places those submitting tenders on fairly equal terms. (Page 15.)

Benefit to Competing Employers.—Germany

Der Mindestlohn. (*The Minimum Wage.*) D. PESL, *Member of the Bar of the Supreme Court. Duncker & Humblot, Munich, 1914.*

As I have repeatedly said, many employers are unable to pay their workers suitable wages, even when they wish to do so, owing to the competition of those employers, especially the merchants, who are unscrupulous enough to enrich themselves at the cost of their workers by the payment of wholly insufficient wages. The progressive employer can thus be forced to pay equally low wages or to give no increases, if he does not wish to be ruined. For this reason, wage agreements in which better earnings are assured to the workers are often shipwrecked by the opposition of individual employers. With right, then, the demand has been recently made for the legal regulation of the wage-agreement system. (Page 373.)

(9) Increasing Scope of the Acts.

The best proof of the reasonableness of the wage board system is afforded by the continuous legislation extending the scope of the acts. This legislation has been neither local nor sporadic. On the contrary it has been wide spread and steadily increasing, successive acts extending the scope of the wage boards upon the basis of their ascertained benefits.

In Victoria, special boards to fix minimum wages have been established more than 20 years. They have increased from 6 boards in 1896 to 141 boards in 1916, affecting the wages of more than 150,000 persons. Each board represents a separate branch of industry. Together they comprise practically all manufacture and important branches of distributive trade.

In Great Britain the success of the first four trade boards, established in 1910, is shown by the establishment of trade boards in four additional trades in 1913.*

Principles of Labor Legislation. John R. Commons *and* John B. Andrews. *Harpers, New York, 1916.*

. . . The first Australasian law whose main purpose was to end sweating was passed by Victoria two years later, [1896] and since it is the Victorian method which Great Britain and the United States have adopted, the system deserves consideration at length. The public feeling against the sweating system in Victoria had resulted in the formation of an Anti-Sweating League. Largely as a result of the league's efforts and in spite of bitter opposition from the employers under the leadership of the Victorian Chamber of Manufacturers, Victoria passed the first minimum wage law in 1896. Sir Alexander Peacock, originator of the system and later minister of labor in Victoria, has written: "It was

* See page 2.

alleged, first that all work would be driven out of the country, secondly, that only the best workers would be employed; and thirdly, that it would be impossible to enforce such provisions at all. . . . However, the government managed to carry the bill and the wage-board system was inaugurated."

The law required that representative boards fix minimum wages in certain industries designated by the legislature. Moreover, being frankly an experiment, the act was to be in force only for four years. Wage boards were first appointed in the six especially sweated trades of boot-making and baking, which employed mostly men; clothing, shirt-making, and underclothing, which mostly employed women; and in furniture-making, in which the competition of Chinese labor was depressing wages. In 1900, when the first minimum wage law came to an end, the government brought in a bill providing for the extension of the wage-board system in other trades. The Victorian Chamber of Manufactures protested violently, urging, and with good reason, that the government's proposal meant the extension of the system to trades in which there was no evidence of sweating. However, the government showed that it has received a number of applications from employers, asking for the appointment of special boards, and that sweating had disappeared in the trades in which boards had been established. Accordingly the bill was passed and an extension of the system was begun which has continued from year to year until at the present time nearly 150 separate boards have been appointed, fixing minimum wage rates for over 150,000 employees in a state whose total population is less than a million and a half. The only important group of workers whose wages are not regulated are those in agricultural pursuits. . . .

. . . The wage-board system is no longer regarded as an emergency measure intended to secure a living wage where conditions are exceptionally bad, but as a satisfactory method of fixing the standard wage in any trade. The act was again renewed in 1903, and in 1904 was made permanent. While the scope of the law has been widely extended the opposition of the employers

has decreased, until in April, 1912, M. B. Hammond, of the Ohio Industrial Commission, as a result of first-hand investigations reported that both employers and employees "are now practically unanimous in saying that they have no desire to return to the old system of unrestricted competition in the purchase of labor." South Australia, Queensland and Tasmania in 1900, 1908, and 1910, respectively, adopted legislation similar to the Victorian act. (Pages 172-173.)

Wages Boards in Australia. M. B. Hammond. *Quarterly Journal of Economics, November, 1914.*

Since 1905 no fundamental changes in the wages boards legislation have been made in Victoria, but the powers of the boards have been steadily increased. The provision in the 1905 act by which every board was instructed to ascertain the average wages "paid by employers to employees of average capacity" was found to be unsatisfactory and to hamper the work of the boards. It was accordingly repealed in 1907.* (Pages 146-147.)

At every session of Parliament since 1905 resolutions have been carried in both houses for the appointment of new wages boards, until at the close of 1913 there were in existence or authorized 134 special boards in as many trades or occupations. The Chief Inspector estimated that about 150,000 workers had their minimum rates of pay determined by such boards.† Not only has the number of trades for which boards are provided continued to increase but their scope has constantly widened. The idea that the boards were to operate only in the sweated trades has long been abandoned. No longer is the board plan of wage regulation limited to manufacturing industries. Asphalters, bill posters, bread carters, carpenters, coal miners, commercial clerks, dressmakers, electroplaters, factory engine drivers, gold miners, furniture dealers, gardeners, grocers, hotel employees, livery-

* Report of Chief Inspector for 1907, p. 3.
† Report of Chief Inspector for 1913, p. 6.

stable employees, milliners, night-watchmen, office cleaners, quarrymen, shop assistants (retail clerks), sorters and packers, timber-fellers, tuck-pointers and many other classes of employees have their minimum wages and maximum hours fixed by such boards.*

In some industries and occupations two boards are appointed, one for the metropolitan area (Melbourne and suburbs) and the other for the country districts. Thus there are the flour board and the country flour board, the printers' board and the country printers' board, the country shop assistants' board, etc.† No effort has as yet been made in Victoria to provide wages boards for distinctly agricultural callings. Doubtless the country prejudice against such legislation still survives. Nor has there been any effort to regulate the wages or hours of domestic servants by means of such legislation. But practically every other field of industry has been invaded and Mr. Alfred Deakin's prediction, made in 1895, that "one day or other these boards will be established in every trade" comes well-nigh realization within the life of that gentleman. (Pages 147-148.)

Reports of the Chief Inspector of Factories, Workrooms and Shops of Victoria, 1897-1912.

Report for 1897—

During the year the five special boards elected during 1896, consisting in each case of five representatives of employers, five representatives of employees, and a chairman, met to fix the wages.

A sixth board was appointed in January, 1897, to fix the wages, etc., in the furniture trade.

Report for 1898—

Determinations made by five boards have been in full operation during 1898. The wage earnings of 10,135 employees have been increased.

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*The full list of boards is given in the Annual Report of the Chief Inspector of Factories.

†Report of Chief Inspector for 1913, p. 6.

Report for 1899—

The determinations of six special boards have been in force during the year.

Report for 1900—

Under the provisions of the Factories and Shops Act, 1900, twenty-one special boards were authorized by Parliament during 1900.

At the close of 1900 there were, therefore, 27 special boards authorized by Parliament.

Report for 1901—

Eleven special boards were authorized by Parliament during the year 1901.

There are now thirty-eight special boards in existence.

Report for 1902—

There are now only thirty-six special boards which have made or can make determinations.

I estimate that minimum wages affecting about 30,000 operatives are legally fixed by the determinations of the twenty-nine special boards now in force.

Report for 1903—

There are thirty-eight special boards affecting over 38,000 operatives.

Report for 1904—

There are thirty-eight special boards affecting over 38,000 operatives.

Report for 1905—

There are thirty-eight special boards affecting about 44,500 operatives.

Consolidation of Acts.

During the years 1896 to 1904, inclusive, there were eight acts passed amending the Factories and Shops Act, 1890. These acts were all of a temporary nature, and the grave uncertainty in which the factory legislation of the state stood was clearly shown by the lapse of the whole of the temporary acts in 1902 owing to an unex-

pected dissolution of Parliament. A special act was passed to revive and continue the lapsed acts, but the temporary character of same was continued.

Last year the whole of these acts were consolidated and made permanent.

Report for 1906—

Resolutions in favor of appointing eleven new special boards were carried in both houses of the Legislature toward the close of 1906.

With the thirty-eight special boards previously appointed, there are now therefore forty-nine boards in existence, affecting about 49,500 operatives.

Report for 1907—

Resolutions in favor of appointing two new special boards were carried in both houses of the Legislature toward the close of 1907.

With the forty-nine special boards previously appointed, there are now therefore fifty-one boards in existence, affecting over 50,000 operatives.

Report for 1908—

Resolutions in favor of appointing eight new special boards were carried in both houses of the Legislature towards the close of 1908 and early in 1909.

With the fifty-nine special boards previously appointed there are now, therefore, fifty-nine boards in existence, affecting over 67,000 operatives.

Report for 1909—

Resolutions in favor of appointing twelve new special boards were carried in both houses of the Legislature towards the close of 1909.

With the fifty-one special boards previously appointed there are now, therefore, seventy-one boards in existence, affecting about 75,000 operatives.

Report for 1910—

Resolutions in favor of appointing twenty new special

boards were carried in both houses of the Legislature towards the close of 1910.

There are now ninety-one boards affecting about 110,000 employees.

Report for 1911—

Resolutions in favor of appointing twelve new special boards were carried in both houses of the Legislature towards the close of 1911.

There are now one hundred and eleven special boards, affecting about 130,000 employees. Of these, two boards have not been constituted, viz.: the Stationery Board and the Slaughtering for Export Board.

Report for 1912—

Resolutions in favor of appointing nineteen new special boards were carried in both houses of the Legislature towards the close of 1912.

There are now one hundred and thirty-one special boards, affecting about 150,000 employees. (Page 6.)

Report of Chief Inspector of Factories of Victoria, 1909.

During last year nine new boards brought in their determinations, while no less than nineteen of the existing boards amended their determinations. Several new boards also completed their determinations, which were arranged to come into force during 1910. The working of the various determinations is harmonious and satisfactory. Very few cases have come under my notice of wilful attempt to evade the provisions of these determinations. (Page 72.)

Increasing Scope of the Acts.—Australasia

Commonwealth Bureau of Census and Statistics, Labour and Industrial Branch. Quarterly Labour Bulletin. No. 13. January-March, 1916. Melbourne, Australia. G. H. KNIBBS, *Commonwealth Statistician.*

The following tabular statement gives particulars of operations under the various Acts, as recorded up to and at the 31st March, 1916:

Boards Authorized and Constituted. . . . 31st March, 1916. (Table Condensed.)

Particulars	C'wlth	N. S. W.	Vic.	Q'ld	S. A.	W. A.	Tas.	Total
1. Boards authorized, constituted and in force:								
No. of boards authorized		*229	147	113	56		35	580
No of boards constituted		*229	142	104	51		32	558
No. of boards dissolved or superseded†			1	14			1	16
No. of boards in existence		*229	141	90	51		31	542
8. No. of persons working under state awards, determinations and industrial agreements (estimated)‡		260,000	150,000	90,000	25,000	32,000	12,000	569,000

* Excluding special demarcation boards.

† Boards constituted and subsequently dissolved or superseded. In New South Wales the whole of the boards were dissolved. For particulars see Labour Bulletin No. 12, p. 417. In Victoria one board was superseded by three boards. In Queensland authorization for two boards was subsequently rescinded, four other boards were superseded for the purpose of varying the jurisdiction, and eight other boards were dissolved on the rescission of the orders in council whereby they were authorized; see page 87 *ante*.

‡ Not including any allowance for persons who enlisted in the defence forces.

The total number of Boards authorized at the 31st March, 1916, in the five States in which the Board system is in force was 580; the total number constituted being 558, of which 16 had been dissolved or superseded. The number of Boards in existence at that date was accordingly 542. . . . (Pages 90-91.)

In the subjoined table particulars are given for the whole commonwealth of the number of boards authorized, constituted, and in existence, and of the number

of awards, determinations, and industrial agreements in force at approximately quarterly periods from the end of the year 1913 to the 31st March, 1916, inclusive. (Page 91.)

Particulars of Boards and of Awards, Determinations and Industrial Agreements in Force at 31st December, 1913, and at approximately Quarterly Periods to 31st March, 1916.

Dates	Boards Constituted Authorized	Boards Constituted	Boards in Existence
31st Dec., 1913	504	501	484
30th Apr., 1914	525	509	492
30th June, 1914	537	523	504
30th Sept., 1914	549	539	517
31st Dec., 1914	553	544	522
31st Mar., 1915	560	551	526
30th June, 1915	568	557	532
30th Sept., 1915	582	570	536
31st Dec., 1915	573	554	546
31st Mar., 1916	580	558	542

From the above table it may be observed that considerable expansion of the principle of the fixation of a prescribed minimum wage has developed within the Commonwealth during the past two years. Within that period fifty-eight additional Boards have been brought into existence in the five States, exclusive of Western Australia. . . . (Page 92.)

The British Minimum Wages Act of 1909. A. N. Holcombe. *Quarterly Journal of Economics, May, 1910.*

After a decade of activity, during which no important body of public opinion in Victoria has demanded the abolition of the boards or the renunciation of the principle of a legal minimum wage in the sweated industries, the return of the Liberals to power in England brought ministers into office who were disposed to give the Vic-

torian system a trial under the less favorable, though more distressing, English conditions. Select committees of Parliament again sat upon the question, and a competent investigator was sent to Victoria to study on the ground the operation of the wages boards. The result was the Trade Boards Act of 1909. (Page 576.)

The Economic Theory of a Legal Minimum Wage. SIDNEY WEBB. *The Journal of Political Economy, University of Chicago Press, December, 1912.*

It has during the past sixteen years been incessantly discussed; it has been over and over again made the subject of special inquiry; it has been repeatedly considered by the Legislature; and, as a result, it has been five successive times renewed by consent of both Houses. Can it be that all this is a mistake? Still more convincing, however, are the continuous demands from the other trades, as they witnessed the actual results of the legal minimum wage where it was in force, to be brought under the same law. (Pages 3-4.)

I do not see how any instructed economist can doubt, in the face of economic theory on the one hand, and of the ascertained experience of Victoria and Great Britain on the other, that the enactment and enforcement of a legal minimum wage, like that of an ordinary factory law, positively increases the productivity of industry. (Page 14.)

. . . In this remarkable popular demonstration of the success of the Act, tested by the not inconsiderable period of sixteen years, extending over years of relative trade depression as well as over years of boom, some features deserve mention. First, the extensions have frequently—indeed, it may be said usually—taken place at the request, or with the willing acquiescence, of the employers in a trade, as well as of the wage-earners. What the employers appreciate is, as they have themselves told me, the very fact, that the minimum wage is fixed by law and therefore really forced on all employers: the security that the Act accordingly gives them against being undercut by the dishonest or disloyal competitors, who simply

will not (in Victoria as in the Port of London) adhere to the Common Rules agreed upon by Collective Bargaining. (Page 5.)

The Trade Boards. DOROTHY M. ZIMMERN. *The Women's Industrial News, London, January, 1912.*

The fact that three Boards have already fixed rates, which in two cases are in force, and in the third will be so in a month's time, while the fourth Board has issued its proposals, and that all this has been done within two years of the passing of the Act, is a striking testimony to the wisdom of its promoters and a happy contradiction to the gloomy forebodings of those who feared that this method of dealing with the difficult problem of underpayment would be unworkable.

The experiment cannot, of course, be considered complete until the payment of the minimum rate has been in operation for some time, but it is already abundantly clear that the success of the Trade Boards and the minimum wage is assured, and that their application to other trades, in which the standard of wages is too low for the maintenance of a decent livelihood, is only a matter of time. (Page 14.)

Sweated Labor and the Trade Boards Act. Catholic Studies in Social Reform—Manual II, Edited by the REV. THOMAS WRIGHT. *P. S. King & Son, London, 1913.*

The general result of the operation of the Trade Boards Act must accordingly be allowed, even by the most critical, to be exceedingly satisfactory. (Page 72.)

The truest guarantee of the genuineness of the benefits wrought by the Act is that, as mentioned above, its operation through the past four years has given ample justification for its extension to four additional sweated industries. (Page 73.)

In the four originally scheduled trades, viz: ready-made and wholesale bespoke tailoring, paper-box making, the finishing processes of machine-made lace, and

chain-making, the capitalists have been compelled to own that sweating is not an essential condition of their industries and that a minimum living wage is not inconsistent with a fair dividend, and the operatives have been in each instance materially assisted, the increase of wages in one case being sufficient to alter the entire tone of their existence. Thus have legislators been persuaded that the English law embodies a measure replete with promise for the mitigation of an evil which, in so far as healthy men and women are more valuable to national security than the swollen returns of booming trade has through generations worked untold havoc upon a multitude of the nation's citizens. (Page 63.)

(10) Success of the Acts.

The experience of those states and countries which have longest had minimum rates of pay fixed by law has proved successful. In Victoria the officials of the Employers' Association and the Chamber of Manufactures, which originally led the opposition to the wage-board system, no longer oppose it. Investigation in Great Britain has shown the benefits to health and efficiency accruing from the Acts, while according to the Board of Trade, profits have not been injured.

In Oregon the country wide business depression occurring immediately after the first wage rulings became effective, put the law to a severe test. Nevertheless, the Federal investigation into the effects of the minimum wages, made only five months after the first rulings, showed that the wages of women employed in Oregon retail stores increased almost ten per cent. in 1914 as compared with 1913, while the increase in cost was only 3 mills on each dollar of sales.

For Working Women in Oregon, Caroline F. Gleason, [*Former Secretary, Industrial Welfare Commission of the State of Oregon.*] *The Survey, September 9, 1916.*

In June, 1913, a law became effective in Oregon which made illegal the employment of women and minors for wages too small to keep them in health, for unreasonably long hours and under insanitary conditions of work. The Industrial Welfare Commission, composed of three persons, one representing the employers, one the employees, and one the public, was charged with the administration of the law. The commission was organized early in June and began work immediately. Six months later wage and hour determinations affecting approximately

25,000 women and minor girl wage-earners in all industries in the state had been issued. . . .

The extreme business depression existing immediately after the first wage rulings became effective put the operation of the law to a most severe test. Hardships commonly connected with business depressions, such as entire loss of employment, part time work or full time with reduced wage, for which Oregon's law was in no way responsible, were attributed to it. The facts about the Oregon situation are that only those women not protected by the law were the ones who suffered and that reduction of wages would have been much greater for those guarded if the law had not been in existence.

A most interesting phase of the discussions at the public hearings of the recent revision conferences was that employers protested only against more stringent hour legislation and not against increased wage orders. . . . The attitude of representative employers of the state toward wage legislation was given in an address before the 1915 Annual State Convention of Retail Merchants by William Woodward, a member of a firm which manufactures drugs and conducts a large mercantile establishment. Mr. Woodward said in part:

"Today I believe with all my heart, that this law, conceived in a desire to do right and carried out in firm purpose of securing to women a larger measure of social justice, is a good law, a step in the right direction, and in spite of local inconvenience to existing industries, is one to which we are today wholly committed and believe that its application should extend further." (Page 585.)

Principles of Labor Legislation. JOHN R. COMMONS *and* JOHN B. ANDREWS. *Harpers, New York, 1916.*

Effect on Industry.

From the side of employers it is frequently declared that minimum wage laws will put them under such a handicap that they will be forced to move to freer territory or be driven out of industry altogether. Neither seems to have taken place to any appreciable extent.

The officials of the Victorian Chamber of Manufactures and of the Victorian Employers' Association, the two bodies which originally led the opposition to the wage-board system, now declare that they have no wish to see the system abandoned. In 1903 and 1904 eleven of the thirty-eight special boards then in operation in that country were established upon the application of employers. Only a single instance is recorded of a plant leaving the state because of the minimum wage law. In Great Britain, also, in the industries having wage boards, the "employers have not been ruined or even injured in their profits," and the board of trade reports that it is "not aware of any tendency of manufacturers to transfer their business to foreign countries, or in cases where lower wage rates have been fixed for Ireland than for Great Britain, to transfer their business from Great Britain to Ireland." The actual cost of the necessary changes is, after all, not burdensome. In Oregon retail stores the increased labor cost was found to be only three mills on each dollar of sales. In the Massachusetts brush industry both the amount of capital invested and the value of the product increased in the year following the decree. (Pages 193-194.)

Effect on Efficiency.

A final point to consider is whether guaranteeing to every worker a legal minimum wage reduces incentive and output. The preponderance of evidence is that it does not, but that it even has the opposite effect, due in part to the employer's insistence on greater returns for increased wages, and in part to the workers' spontaneous response to the improved rate of remuneration. In fact, it may be said that the beneficial results of minimum wage legislation have been largely due to the transfer of emphasis from competition for low wages to efficiency on the part of both employer and employee.

Among the better-established results of minimum wage legislation, therefore, may be mentioned (1) that it has raised wages; (2) that minimum wage rates do not in general tend to become maximum rates; (3) that

it does not necessarily force workers out of industry; (4) that it does not unduly handicap employers; (5) that it does not undermine trade union organization; and (6) that it does not decrease efficiency. (Pages 195-196.)

Massachusetts Minimum Wage Commission. Bulletin No. 11. January, 1916. Report of the Minimum Wage Commission, 1915.

Effect of the Minimum Wage in the Brush Industry.

The wages recommended for women employed in brush factories became effective under circumstances which put the theory of the minimum wage to the severest test. In June, 1914, when the brush makers' wage board made its final report to the Commission, the brush industry was somewhat depressed, but not much more so than at any time during the last two or three years. In August, when the wages recommended by the Board were to become effective, the European war had broken out. The supply of bristles, the most important raw material of brushes, was interrupted, and the production of brushes seriously curtailed. When the supply of bristles had been restored, the general business depression injuriously affected the demand for brushes, and the period of curtailed production and consequent restricted employment was prolonged. The brush business revived in the spring of 1915, with the general revival of industry in the United States, and by June had regained its normal condition. Meanwhile, however, false and misleading reports were being circulated concerning the alleged injurious effects of the minimum wage upon the brush industry. In June, therefore, the Commission caused an investigation to be made to determine what effects had really been produced by the minimum wage.

This investigation consisted of an examination of the voluntary statements of the employers to the Massachusetts Bureau of Statistics for publication in the official Statistics of Manufactures, and of the pay rolls of the nineteen brush factories which were employing women both in 1913, when the Commission first investigated the

brush industry, and in 1915, when business conditions were again approaching the normal. The results of the investigation were published as a special bulletin.*

The results may be briefly summarized as follows: (1) the establishment of the minimum wage in the brush industry has been followed by a remarkable increase in the earnings of women employed in that industry; (2) the employment of women at ruinously low rates has been practically stopped; (3) the proportion of women employed at more than the prescribed minimum rate has more than doubled; and (4) all this has been accomplished without putting an unreasonable financial burden upon the industry.

During the last two years the total number of brush establishments in Massachusetts has increased, the total capital invested has increased, the total value of material used has increased, and the total value of product has increased. Though the industry was temporarily hard hit by the war, so were many other industries of the Commonwealth in which the minimum wage has not been established. In short, the evidence shows that the establishment of the minimum wage has been followed by the desired results, both in the industry as a whole and in every individual establishment where the management has been willing to give it a fair trial. (Pages 16-17.)

Biennial Report of the Washington Industrial Welfare Commission, 1913-1915.

Furthermore, the law has brought the employers of the state to a realization of their public responsibilities and has brought about a better adjustment with their women employees; it has tended to prevent the exploitation of helpless women and remove all possibility of the sweat-shop evil; it has diminished the parasitic character of some industries and therefore lessened the burden on other employments; it has enabled the employers in a given occupation to prevent the undercutting of wages

* Bulletin No. 7, September, 1915, The Effect of the Minimum Wage Decree on the Brush Industry in Massachusetts.

by less considerate and humane competitors; it has stimulated employers to develop the capacity and efficiency of the less competent workers until they actually are worth the minimum wage; it is therefore tending to induce employers to keep their trained workers together and to avoid, as far as possible seasonable fluctuations; it has given the public assurance that it is an effective remedy for the industrial abuses of which there previously had been considerable complaint, and in many ways is promoting the general welfare, of the state. (Pages 15-16.)

Wages Boards in Australia. Social and Economic Results of Wages Boards. M. B. HAMMOND. *Quarterly Journal of Economics, May, 1915.**

While fully admitting the tentative character of our conclusions, we may nevertheless say that the eighteen years of experience which the state of Victoria has had with wages boards offers the safest basis on which to form an opinion as to the results of this method of wage regulation. For not only has the Victorian experience been of longer duration than that of other states but it has been on a more extended scale and has persisted along the same lines from the beginning. . . . Whenever the experiences of other states and countries show the same results as appear in Victoria, we may say that they serve to strengthen our opinions of the success or failure of the Victorian legislation; but it is the Victorian experience which must afford the main reliance for such conclusions as we are now willing to formulate. (Pages 563-4.)

The final test of the success of any legislative experiment made by self-governing peoples is the degree of

* For earlier articles dealing with the facts here set forth, see by the author: Judicial Interpretation of the Minimum Wage in Australia. American Economic Review, June, 1913; The Minimum Wage in Great Britain and Australia. American Academy of Political and Social Science. Annals, Vol. 48, 1913; Wages Boards in Australia. Quarterly Journal of Economics, November, 1914.

satisfaction which these laws afford to those who are responsible for their enactment and enforcement. . . . If these boards have in the opinion of most Australians succeeded in solving the problems which they were intended to solve and have done so without perceptibly hindering industrial development or disturbing the social peace; if furthermore they have in large measure outgrown the early opposition which they encountered from employers, and have won the approval of the wage earners and the general public—I think we must say that the Australian method of regulating wages by wages boards has proved successful, in spite of the fact that it has not escaped criticism and that it has created new problems not foreseen at the time the laws were enacted.

. . . The wages board system was unquestionably adopted in the interest of wage earners, and since the establishment of additional boards comes, in the great majority of cases, as a result of the application of employees, it is clear that the wage earners are conscious of the advantages which the boards have brought to them.

The most remarkable feature in the development of the system, however, is the changed attitude of the employing classes towards the wages boards.

In the first of these papers* reference was made to the opposition which the wages board legislation met from Victorian employers in and out of Parliament during the years 1896-1903. The reports of outside investigators show that year by year this antagonism has grown less and that employers have become more and more reconciled to the wages board method of regulation. (Pages 621-22-23.)

This change in the attitude of the employing classes towards the wages boards system has continued. In 1912, among all the employers interviewed, I found none who wished to have the boards abolished. There was plenty of criticism of the work of the boards, and nearly every employer was careful to point out what he considered to be unfair in the determinations under which he happened to be working. But they were unanimous in say-

* In this Journal, November, 1914, pp. 98-148.

ing that industry had adjusted itself to the system of wage-regulation, and it would therefore be undesirable to attempt to restore the old system of unregulated competition in the hiring of laborers. That this more friendly feeling among Victorian employers towards the wages boards is due in part to the belief that if the boards were abolished a more drastic method of industrial regulations, viz., that by arbitration courts, would be adopted, there can be no doubt. In the states having compulsory arbitration employers were generally supporters of the system, although their attitude was perhaps one of toleration rather than of genuine enthusiasm. In regard to the wages boards, however, most employers were willing to go farther than merely to express a tolerant attitude. They pointed to the gains which had accrued to industry from freedom from strikes and from having all employers placed on the same footing as regards wages. The officers of the Chamber of Manufactures and of the Victorian Employers Associations—the organizations which had led the opposition to the establishment and extension of the wages boards—were willing to admit that on the whole the wages board system was working well and that the organizations which they represented had ceased to oppose the further extension of the system. (Pages 625-6.)

Fourth Report of the New York State Factory Investigating Commission. Vol. IV. Appendix VIII. 1915. Minimum Wage Legislation in Australasia. Chap. II. New Zealand.

In concluding our observations upon arbitration in New Zealand, it may be well to recapitulate some of the statements already made. Created during a time of industrial unrest with the object of securing the abolition of strikes, the arbitration law has furnished a means for peaceful collective bargaining in the former conciliation boards and the present conciliation councils. Strikes have not been abolished but have been restricted. Attacks upon the system of compulsory arbitration, while sometimes general, as that of Mr. Broadhead in his recent

book upon New Zealand's labor situation,* have more often been confined to weaknesses in the process of administration or to the scope of the act. It is true that preference to unionists, the apprentice question, and the permit system have been subjects of controversy. But what reform measure of any consequence has ever survived without criticism? If the Court has not raised wages to meet all the demands of labor, neither has it thwarted the expansion of industry. It has been the cause of generally raising wages to a small extent, and has established crudely the cost of existence as the minimum standard of remuneration. It has shortened hours and given payment for overtime. It has steadied business and helped to bring prosperity to employer and employee alike. On the other hand, it has not prevented in certain districts almost the whole value of a rise in wages being absorbed by an increase in the rents of dwellings. Slight wage increases have sometimes been made the pretext of inordinate exactions in the price of food. But the cost of living has not outstripped the reward of toil and the well being of the masses is further advanced now than it was twenty years ago. Sweating has been definitely abolished. Competition has been put upon a fairer plane. (Page 2052.)

Chapter IV. Wage Legislation in Western Australia, South Australia, Queensland, and Tasmania.

In forming a final estimate of the wages board system of South Australia, it should be remembered that the first effective determinations were made during a period of industrial expansion. Although employers first opposed the act, they later accepted the inevitable and cooperated with the officials in their work. The system has been gradually extended, until in April, 1914, fifty-six trades and 25,000 employees were under the orders of wages boards. There are now in effect fifty-four determinations, including those made by the Industrial

* H. Broadhead, State Regulation of Labour and Labour Disputes in New Zealand, 1908.

Court after boards had failed to do the work for which they were appointed. All of these determinations apply only to the Metropolitan area. Thus, the act has been definitely limited in its operation in this state.* In so far as it has been effective, however, wages have been raised, sweating has been abolished, and industry has not been adversely affected. (Page 2186.)

A New Province for Law and Order. Industrial Peace Through Minimum Wage and Arbitration. HENRY BOURNES HIGGINS, *High Court of Australia, Melbourne [President since 1907 of the Court of Conciliation and Arbitration.] The Harvard Law Review, November, 1915.*

But most of these defects, and other defects which I could point out, are not of the essense of the system and will probably be removed or obviated in the light of experience. Employers have assured me that they welcome the fixing of minimum rates by the boards or by the Court. They know now definitely what they must pay, and, so long as they pay it, they feel no more the incessant nagging of unions or employees as to wages. Nor can any impartial person deny the immense relief which the system of wages boards has afforded to thousands of the most helpless families throughout Australia. Wages boards constitute one of the most useful factors of those which tend, in the words of Russell Lowell, to "lift up the manhood of the poor" and to provide proper sustenance and upbringing for the children of the nation. (Pages 36-37.)

The Artificial Regulation of Wages in Australia. GEORGE S. BEEBY, *Author of the Industrial Arbitration Act, 1912, of New South Wales. The Economic Journal, London, September, 1915.*

The advantages derived from our system can be thus stated:

The reproach of sweated industries has been removed

* Commonwealth Bureau of Census and Statistics, Labour Bulletin, No. 5, p. 66.

from Australasia. With slight exception, women and children who work in occupations which lend themselves to oppression and misery are, compared with those in "free" countries, guaranteed decent factory conditions, reasonable hours of labour, and minimum wages. . . .

The unskilled worker, the product of modern industrial methods, is protected from over-competition for employment. Much of his improved condition is attributable to scarcity of labour, but the incentive to organization, the power to drive a collective bargain, originated with the earlier awards, which gave him a status previously unknown.

The constant open inquiry into wages and working conditions of employees has been of great educational value, and has led to more sympathetic consideration by the public of the workers' agitation for a higher standard of comfort and to a wider public interest in economic problems. No political party, for instance, now ever disputes that industrial regulation of some kind, including the fixing of minimum wages, is necessary and advisable. Parties may differ as to the extent of such regulation and the nature of the machinery for effecting it, but no serious voice is ever heard against the wisdom of interfering with freedom of contract in maintaining a reasonable standard of comfort for wage-earners.

Its effect on strikes has been beneficial in one direction and evil in another. The duration and intensity of serious disturbances have been lessened; but, by facilitating the organization of workmen in many occupations not previously unionized, industrial arbitration has largely increased the number of strikes. Workmen strike for smaller things, and often without serious provocation. But the compulsory and conciliatory machinery has generally shortened the contest and kept some check on sympathetic outbreaks. (Pages 324-325.)

The Labour Year Book, 1916. Co-operative Printing Society Ltd., London.

In the year already mentioned, viz., 1906, the Board of Trade in their memorable Census of Earnings and

Hours of Employment, collected decisive evidence of the industrial degradation of the nation, a sorry record in which the woman worker cut an especially unhappy figure. Included in the census were 32 textile and clothing trades carried on mainly by female operatives; in all of these, save five, a division of the aggregate wages paid to women of 18 years and over by the number of such women in employment showed a resultant figure of less than 15s. per head. The Lancashire textile workers apart, one-fifth of all the women whose trades are covered by the inquiry, amounting in number to hundreds of thousands, were shown to receive less than 10s. per week.

Here, surely, was a case for intervention, and after the National Anti-Sweating League had stumped the country in favour of a legal minimum wage; after a Select Committee of the House of Commons had endorsed this proposal as regards women homeworkers; and Mr. Ernest Aves, now the Chairman of the various Trade Boards, had reported upon the Australasian experiments in wage regulation without, it must be admitted, coming to any definite conclusion thereon, the Government intervened. Their measure, based upon the Wages Boards Bill of Sir Charles Dilke, which in turn was derived from the legislation of the Colony of Victoria, was blessed by everyone, and became an Act without any vote on principle having been registered against it.

It proved a better Act than one would expect from the suspicious cordiality of its reception, and has worked so smoothly that its future is already beyond doubt. (Page 214.)

The Future of Work. L. G. Chiozza Money, M. P. *Unwin, London, 1914.*

When we talked of establishing Trade Boards for sweated workers some years ago, there were many who contended that the varying customs of trades made it inherently impossible to apply legal minima to them. We had to point out then that already, by voluntary

agreement in many trades, the supposed impossibilities were surmounted. At the Conference on the Minimum Wage convened by the National Anti-Sweating League, and held at the Guildhall, London, in October, 1906, Sir George Askwith, then Mr. Askwith, pointed out how voluntary agreements of employers and employed had fixed minima in trades of considerable elaboration. He instanced the Nottingham lace trade, of which he had personal knowledge as arbitrator. I may usefully repeat what Mr. Askwith said:

"Perhaps you will forgive me for instancing a most elaborate inquiry I had to conduct in connection with the manufacture of lace. The due rate of wages in classes of work had to be found by joint request of employers and employees. The whole industry was entitled the lace weaving trade of Nottingham. It has three branches or sections—the plain net, the lace curtain, and the fancy laces. The plain net section is not so complicated as the other sections, but the curtain has eight different cards on which work is produced, and the fancy lace had twenty-one, and now has fifteen, thick thread laces, plain bobbin fining and Valenciennes, torchons, Maltese, blondes, Spanish, Chantilly, cotton loop, sprigs, and many others. There had to be taken into account the classes of lace being made, the number of points to the inch, the number of bars, and the length of the rack, and many other matters besides. The wages of each class and branch of laceworkers required separate consideration, and was discussed and fought word by word and line by line upon these numbers of cards."

As a result, Mr. Askwith concluded, "In few instances did dispute arise as to the amount of a minimum wage where such minimum was required." . . .

Further, in 1914 we are able to point to the remarkable success in the United Kingdom of the Trade Boards Act of 1909. It has succeeded in levelling up wages in a number of trades. (Pages 166-168.)

Report of Chief Inspector of Factories of Victoria. 1897.

The Breadmaking and Baking Board.

Mr. G. Hall reports:

The determination of the Bread Board, which came into operation in March, may be said to have had a fair trial, and so far as my district is concerned, I consider it to have been a success. It has been the means of raising the wages of many workers very considerably. The finding of the board is generally observed, and works smoothly. (Page 5.)

Report of Chief Inspector of Factories of Victoria, 1898.

During the past year the attempt to deal with the sweating evil by means of legislative action has been practically on its trial. To all those interested in the system of fixing a minimum wage, the year has been one of anxiety, and to the officers of this department one of anxiety, greatly increased responsibility, and extra work. . . . With a full knowledge of the significance of the statement, I say I believe the system has been successful.

I do not for a moment claim that the system is perfect, and propose almost immediately to point out defects. That it has to a large extent prevented the worst evils of free competition appears to me to be beyond a doubt. In dealing with the effects of the various determinations of the boards, figures supplied by manufacturers will be given which will, I trust, satisfy the most incredulous. (Pages 4-5.)

On the determination of the Clothing Board, Miss Cuthbertson reports:

The workers inside the factories have, generally speaking, benefited greatly by the determinations, and though possibly they have to work harder and more consistently, yet they are better paid and have steadier employment, and continually the hope is expressed by them that the act will be placed permanently upon the statute book. (Page 9.)

Report of Chief Inspector of Factories of Victoria. 1900.

Clothing Board.

Probably everyone who is interested in factory legislation will remember the bitter complaints made for several years prior to 1896 of the "sweating" existing in the clothing trade. That the complaints were well founded was admitted by everyone who inquired into the matter. The Royal Commission appointed to inquire into the matter, and of which Mr. A. L. Tucker was chairman, found that gross sweating existed in the trade.

In England and America complaints regarding sweating in this trade are still constantly made. (Page 16.)

So far as I am aware, nothing has been done to decrease the evil, either in America or in England. I venture to affirm that there is now no sweating in the clothing trade in the State of Victoria. (Page 17.)

Mr. W. H. Kingsbury reports concerning the Ballarat, Bendigo, and Geelong districts:

In the clothing trade the determination of the board is now recognized as fair, both by the employer and employee. The operatives are satisfied that the legislation in their trade has been to their benefit. The same may be said in reference to the employers. (Page 19.)

Victoria. Papers Presented to Parliament. Vol. II. 1902-3. Report of the Royal Commission Appointed to Investigate and Report on the Operation of the Factories and Shops Laws of Victoria.

The Working of the Law in Victoria.

The Clothing Board.

This is an industry in which, in the days of freedom of contract and unregistered home-work, the sweating evil was rampant. Investigations made by a board of inquiry, which sat in 1893, disclosed a condition of things which could only be paralleled in the most poverty-stricken quarters of the east end of London. It was, it is true, at the period of a great financial crisis; but time

had intensified and not created the evil. In the stress of competition, a system prevailed under which large city warehouses let the making-up of clothing to small contractors or middlemen at rates so low that there was very little, if any, profit left to the latter if fair wages were paid.

The lapse of nearly a decade with more prosperous times in the interval and the creation of a board to regulate wages in the trade, has naturally caused many changes for the better in the lot of both factory hands and out-workers. (Pages XXXVIII and XXXIX.)

To sum up the evidence in this trade, sweating in its worst form, which brought misery into so many homes, has almost disappeared, and if undercutting and the payment of unduly low wages still exist, it is chiefly in the case of a few out-workers who act in collusion with their employers. This practice, the employees consider, cannot be put a stop to until one person is made to constitute a factory, as in New Zealand. (Page XLI.)

The Shirt-Makers' Board.

In 1901 there were 134 women receiving an average wage of 20s 8d per week, a fairly high wage if it be borne in mind that this was one of the trades in which in the early part of the last decade sweating was prevalent. No complaints were received by us from either side respecting the rates or general conditions of the trade, and the factory inspectors in recent reports state that the determination continues to work well, as regards both indoor and outdoor labour. (Page XLII.)

The Underclothing Board.

In some cases, competent workers receive 20s and upwards per week. The official reports show that there is no difficulty in enforcing payment of the minimum wage, the scale, as a whole, being fair from the employers' point of view. (Page XLIII.)

The New Legislation Recommended.

We recognize that there cannot in the circumstances of the times be any return to the old conditions of free-

dom of contract in factory labour. The well-being of thousands of wage-earners, with thousands of others dependent upon them, rests on a humane, well-conceived, and properly administered law for the protection of this kind of labour. It is clearly our duty, therefore, not to destroy the good work already done in the cause of humanity and justice, but to so modify and correct the defects which experience has shown to exist that the best principles of our factory legislation may be maintained and extended although in a different form. (Page LXV.)

Report of the Department of Labor of New Zealand. 1911.

The various awards (minimum rates) have worked smoothly in this district, and during the year nothing of importance has arisen in respect to the administration of the Act.

The number of complaints from employees has been very few, and there have been no prosecutions for breaches of award during the year. (Page 57.)

Report of the Director of Labour and Chief Inspector of Factories and Shops of Queensland for the Year Ended 30th June, 1911.

Speaking generally, the introduction of the Wages Boards system seems to have brought about an improvement in the conditions in those trades to which it has been applied, and evidence that this is appreciated by the workers is shown by the number of applications which continue to be received for the granting of Boards. It is inevitable, of course, that any industrial legislation will take some little time before it will work smoothly, and Determinations of Wages Boards are no exception to the rule, but as employers and employees come to realize the protection it affords them from unfair competition in the one case and low wages in the other, they each endeavor to conform to the altered conditions. (Page 22.)

Report of the Chief Inspector of Factories of Tasmania, 1913-1914.

With regard to industrial matters in the State for the past year, a glance at the statistics available will prove that, although industry was severely handicapped by unsettled conditions, to a certain extent caused by the prevalence of smallpox on the mainland and in New Zealand, the progress made was very satisfactory. The steady increase in the influence of "The Wages Boards Act" is a subject which demands attention, and exhibits the confidence reposed in the system by both employer and employee. It is creditable to the enterprise of the State that new wages boards were formed, and new or amended determinations exhibited the tendency to prevent, as far as possible, any intrastate difficulties which might tend to lessen the prosperity of the State.

With the exception of the administration of the determination for the timber-workers, it is found that the utmost harmony has prevailed. (Page 5.)

During the past year the industrial affairs dealt with under the wages boards legislation have materially increased in importance, and it is a pleasant sign of the times to find both employers and employees are anxious to work under the terms of this legislation. This sentiment is more increased in its intensity because of the fact that "The Factories Act, 1910," and its amending Act are rapidly attracting the attention of the local authorities, who make use of its provisions in health matters in preference to making use of the frequently cumbersome powers given to them under "The Public Health Act, 1903".

As an index to the harmony existing through the administration of this industrial legislation by this Department, it is worthy to note that the inspectorial staff, who combine both the industrial and health duties, have had very seldom to institute legal proceedings during the past year. Ignorance of the reading of terms in determinations is a frequent excuse for non-observance, and it not invariably happens that both employer and employee are equally guilty. (Page 27.)

Report to the Secretary of State for the Home Department on the Wages Boards and Industrial Conciliation and Arbitration Acts of Australia and New Zealand. Ernest Aves, *British Sessional Papers. Vol. LXXI. 1908.*

Although, however, the volume of amending legislation that was in contemplation indicated that this fluidity of opinion existed, and that experience was still actively teaching fresh lessons, these very bills, coupled with those introduced in Queensland and discussed in Tasmania, seemed to have strengthened rather than weakened the widespread determination of Australasia to adhere, at any rate for the present, to the principle of a legal minimum wage. When this principle is acted upon in the interests of those who are considered most to need protection because they are in the greatest danger of being overridden through the stress of industrial competition, I think there is an overwhelming balance of opinion in favor of legislation directed to that end. The standard of a race is felt to be at stake, and there is what amounts almost to a national determination to guard if necessary and if possible by legislation against at least the grosser forms of under-payment. Of these there has been some slight taste; but of them more is known and heard from the experience of older countries. Thus it has become part of the better conscience, alike of the Commonwealth and New Zealand, to insist on decent industrial conditions and, if necessary, to pass measures framed to avoid the repetition in a new land of at least this particular form of old-world trouble. (Pages 10-11.)

Wage Boards in England. E. F. Wise. *The American Economic Review, March, 1912.*

Finally, it may be claimed that so far as the two simpler trades are concerned the act is an assured success. The initial difficulties, which were said to be insurmountable, have been overcome in all the four trades. The test to which the act is being put in tailoring is the most severe that could have been attempted. If it succeeds in

this it can be applied with confidence to any other trade whatever in which the evil of underpayment is to be found, and there is every reason to be satisfied with the progress at present achieved. Already other trades are clamoring to be included. It would be safe to say that the measure of progress in the two short years that have elapsed has exceeded the hopes of the warmest supporters of the act, and there is every indication that at last a weapon has been forged that will greatly diminish if it does not destroy one of the worst evils of our industrial system. (Pages 19-20.)

The Working of the Trade Boards Act in Great Britain. Constance Smith. *Report of the Seventh General Meeting of the Committee of the International Association for Labor Legislation, Zurich, September, 1912. P. S. King & Co., London, 1912.*

What conclusions may we venture to draw from the facts just summarized? This much certainly: that even in trades of a complicated nature the fixing of a minimum rate presents no insuperable difficulties, and that by the practical acknowledgment of representative employers a margin exists in the four scheduled trades, which makes leveling up of wages to the standard of the better-paying employers possible. So much for the legislative side. As regards administration, the experiment has not been carried far enough to afford adequate data for the formation of a final judgment. . . . We can, even at this comparatively early date, claim for the experiment such success as entitles us to press very earnestly for the bringing of other sweated industries or branches of industry within the beneficent scope of the Trades Boards Act. A number of such industries anxiously await their inclusions in the schedule. Where claims are so many and so strong, it is difficult to decide which should have right of priority. But among those which may perhaps be taken to exhibit at once the greatest need and the greatest aptitude for the application of this special remedy are the remaining clothing trades

. . . such industries as hollow-ware and brick-making, which, if not so completely localized as the making of chain, yet occupy a definite and somewhat narrow belt —stretching from the Midlands westward; and the warehouse trades—the jam-making and biscuit-making and chocolate-making and tea-packing which employ so vast an army of women at rates on which "living" in any decent sense is out of the question. (Pages 153-154.)

The Economic Theory of a Legal Minimum Wage. SIDNEY WEBB. *The Journal of Political Economy, University of Chicago Press, December, 1912.*

The fixing of a minimum wage by law—making it a penal offense to hire labor at a lower rate than that fixed by law—is now an accomplished fact, of which the world has had half a generation of experience. In this matter of the legal minimum wage the sixteen years' actual trial by Victoria is full of instruction. Victoria, which is a highly developed industrial State, of great and growing prosperity, had long had factory laws, much after the English fashion. In 1896, largely out of humanitarian feeling for five specially "sweated" trades, provision was made for the enforcement in those trades of a legal minimum wage. . . .

Naturally, too, all sorts of criticism have since been leveled at the administration and working of the law; and over and over again eager opponents, both in England and on the spot, have hastened to report that it had broken down. But what had been the result? In the five sweated trades to which the law was first applied sixteen years ago, wages have gone up from 12 to 35 per cent., the hours of labor have invariably been reduced, and the actual number of persons employed, far from falling, has in all cases, relatively to the total population, greatly increased. Thus the legal minimum wage does not necessarily spell ruin, either for the employers or for the operatives. (Page 3.)

. . . There will still be people up and down the country who will go on saying that it is "impossible"—while it is in actual operation, not only in Australia and

New Zealand and the United Kingdom, but under their own eyes. As a matter of fact, the authoritative settlement of a minimum wage is already undertaken daily. Every municipal authority throughout the country has to decide, under the criticism of public opinion, what wage it will pay to its lowest grade of laborers. It can hire them at any price, even at 25 cents a day; but it must be rare that any such genuinely "competitive" wage is paid. What happens in practice is that the officer in charge fixes such a wage as he believes he can permanently get good enough work for. In the same way, the National Government of the United Kingdom, which is by far the largest employer of labor in the country, does not take the cheapest laborers it can get, at the lowest price at which they will offer themselves, but deliberately settles its own minimum wage for each department. (Page 22.)

Thus, the Admiralty is now constantly taking evidence, either through the Labor Department or through its own officials, as to the cost of living in different localities, so as to adjust its laborers' wages to the expense of their subsistence. The General Post Office has just been doing the same thing on a very elaborate scale. And in our English local governing bodies, which employ, in the aggregate, more operatives than almost any single industry, we see the committees, under the pressure of public opinion, every day substituting a deliberately settled minimum for the haphazard decisions of the officials of the several departments. What is not so generally recognized is that exactly the same change is taking place in private enterprise. The great captains of industry, interested in the permanent efficiency of their establishments, have long adopted the practice of deliberately fixing the minimum wage to be paid to the lowest class of unskilled laborers, according to their own view of what the laborers can live on, instead of letting out their work to subcontractors, whose only object is to exact the utmost exertion for the lowest price. A railroad never dreams of putting its situations up to tender, and engaging the man who offers to come at the lowest wage; what happens is that the rate of pay of trainmen and roadmen is deliberately fixed in advance. (Pages 22-23.)

Sixth Annual Report, National Anti-Sweating League, 1912. Manchester, 1913.

Chain Making.

In the Cradley Heath District the experience gained since last year justifies the sanguine view taken in the Report of 1911. There have been some attempts to evade the Trade Board rates, but since a middleman who had committed three offenses under the Act was fined penalties amounting in all to £34 the local taste for evasion has been carefully controlled. . . .

In short, the success of the experiment at Cradley Heath is now assured. The workers are getting rates that, in the cheapest qualities of chain, give them increases of from 50 per cent. to 100 per cent., and what is significant is that they are now applying for, and are likely to get, an enhancement of the rate.

Indeed the effect of the Trade Board upon these neighboring trades is one of the most striking features of the experiment; i. e., "hollow-ware" and brick workers. . . . There is, indeed, no element lacking in the triumph at Cradley Heath. The women seem different beings from the inert and sunken people who attended meetings in pre-Board times, and the proprietors of shops in the district tell how their sales have expanded under the genial influences of the new conditions, imperfect though they may be admitted to be. (Pages 4-5.)

Paper Box Trade.

The rate of 3d an hour fixed for this trade did not become obligatory until three weeks ago, and it is too soon to pronounce upon the degree in which it is being loyally accepted by the manufacturers. All the indications point to such acceptance. After initial hostility the Employers' Federation has decided to assist actively in the enforcement of the minimum rate and of the other Trade Board conditions, and their representatives are at present working amicably with those of the workers to secure satisfactory administration.

It is interesting to note that many of the employers

admit that the result of the Trade Board award has been already to call their attention to many instances of waste and leakage in their establishments. While the rate was in partial operation cardboard factories have been carefully overhauled, and a new tidiness and efficiency have entered into them. (Page 7.)

Summing up it may be said that all the minimum rates of wages so far fixed are substantially better than the preceding rates and that in one of the trades, chain making, enforcement of them has been attended with complete success. In the other similar trade at Nottingham a like result is to be expected in the near future, when administration is stricter and the industry more prosperous. In the larger trades, having regard to the nature of the work, the minimum rates are less satisfactory than might have been expected, though to the increases in mere wages must be added the removal from the workers of the payment for sundries necessary to their occupation, as paste and glue in the case of the tailoress. Further, the limitation of the employment of young people in the scheduled trades and their greater protection from exploitation, the impetus given by the Boards to organization and the greater care of the worker on which the new condition insists are of considerable value in themselves and in their reaction upon the prosperity of the trades. All this taken together seems justification enough of the Trade Boards Act, and makes an irresistible case for the extension of the Act which during next year the League will vigorously demand. (Pages 10-11.)

British Sessional Papers. Vol. XIV. 1913. Special Report from the Select Committee on the Trade Boards Act Provisional Orders Bill. Minutes of Evidence.

Mr. G. Stapylton Barnes, Secretary to the Board of Trade:

40.—. . . I have just said that the rate of 2½d. an hour was fixed in the chain trade for women, and that the rate fixed in the chain trade for men was 5d. to 7d. per hour. In the lace trade a rate of 2¾d. was fixed, in

the box trade a rate of 3d., and in the tailoring trade a rate of 3¼d.

41.—When those rates were fixed, did you find that they were accepted by masters and men alike?—I think that we may say that each one of these rates was accepted by the Trade Board. You mean accepted by the trade outside?

42.—Yes—I have no reason to think the contrary.

43.—No complaint has been made to you that any free agents, as each man and master would be, declined to accept the decision?—Yes, we have prosecuted people for not paying the rates.

44.—But did you shut them up? Was the effect that they did not go on with the business or that the men refused to go on?—No; there has been no shutting up of the business, but certain employers who did not pay the rates have been fined.

45.—No employer has gone out of the trade as far as you are concerned?—Not that I know of.

46.—And on the other hand no body of men has declined to work?—No. I think you may take it that as a whole the working of the Trade Board Act has been successful beyond what anybody imagined possible. (Page 7.)

The Trades Board Act at Work. S. C. Moore. *The Economic Journal, London, September, 1913.*

It is somewhat early to write about the result of the Trades Board Act, but in view of the proposals to bring other trades within its scope immediately the earliest effects are worth noticing. For this reason I think that some facts collected by the Hebden Bridge branch of the Amalgamated Union of Clothing Operatives are of great interest. Hebden Bridge is a small town in the West Riding of Yorkshire, and is the chief center of the fustian trade in this country. As a considerable amount of fustian is made up into clothing in the factories of the district, and this branch of trade comes under the Trades Board, it offers a favorable opportunity for observing the working of the Act. The trade is confined within a

small area and to quite a limited number of firms, all engaged on the same class of work, the number employed being about 3,000, nearly 400 of whom are men or youths. (Page 442.)

I think it is quite clear that the Trades Board Act has done three things for the clothing trade of Hebden Bridge:

1—It has lessened the hours of labor for everybody in the trade.

2—It has raised the wages of men, but has not affected women's wages.

3—It has helped to create a new spirit among the men.

There had been suggestions for shortening hours previously, but nothing had come of them, but before the Act actually came into force the employers decided to reduce the hours to 52, without any alteration in wages. This reduction of hours applied to all work people, so that if a man has not received an actual increase in wages, he has received what is equivalent to a higher rate per hour; therefore, the Act has been a direct benefit to every man and youth in the trade. The women and girls are all employed on piecework, but as their rate of pay yields a very much higher wage than the minimum of 3¼d. per hour, the Act has not affected them directly in any way. It might have been expected that the reduction of hours would have lowered the wages of women, but that does not appear to have been the case. There is a general opinion that quite as much work has been done in the 52-hour week as in the 58. This would be difficult to prove, because comparisons made with the first half of 1912 are not of much value, owing to the disturbance caused by the coal strike. I have before me the report and balance sheet of the Fustian Co-operative Society for the half-year ending June, 1913, and the increase of trade done in their factory over any previous half-year bears out the general opinion. (Page 443.)

The figures given above represent about 70 per cent. of the clothing trade in the district, and may be taken as typical of the whole. Apart from the general state

of prosperity in which it shares, and the high price of cotton goods, there is nothing abnormal in the industry at the present time. There seems to have been no disturbance of prices, and the changes have come almost without being noticed except by the persons concerned. (Page 447.)

Extending the Trade Boards Act. J. J. MALLON (*Member of all the Trade Boards so far established*). *National Anti-Sweating League, London, 1914.*

. . . About the substantial success of the Boards in their first application there is no longer any question. Everywhere they have succeeded in considerably raising the lowest levels of wages, in forwarding organization among both employers and workers, and in diverse and subtle ways releasing and stimulating forces that make for the efficient and humane development of their trades. The case for an extension of the Trade Boards Act was therefore irresistible, and the Board of Trade did not contest it. Asked by the Great Demonstration held by the National Anti-Sweating League in Queen's Hall, in March last, to extend the Act to six specified trades, they agreed to extend it to five, ladies' tailoring being for the moment omitted because of the difficulty in disentangling it from the numerous other clothing trades that surround it. Of the five trades that remain, one because of a technical defect in the Provisional Order extending the Trade Boards Act to it, was struck out by a select Committee of the House of Commons, leaving only four. The extension remains impressive and courageous. Each of the new trades is complex in organization, and all, save one, are widely dispersed. The new Boards, for these reasons, will not be brought easily into being and their early operations will demand care and watchfulness. Moreover, in two of the trades separate Boards in accordance with Section 2 (1) of the Act will have to be constituted for Ireland. Thus the immediate creation of six additional Boards is undertaken; enough to show that the Board of Trade is developing the Act with all reasonable expedition and displaying gratifying determination and goodwill. (Pages 1-2.)

IV. COMPARISON WITH OTHER LABOR LEGISLATION.

Legislation providing for the establishment of a legal minimum wage for women has been regarded by experts as based on the same considerations as other labor legislation and aimed at abuses similar to those which other labor laws have sought to remedy.

Fourth Report of the New York State Factory Investigating Commission, 1915, Vol. I. Report of Commission.

The arguments in support of wage legislation may be summarized as follows:

In answering the charge that it is a limitation on the right of contract, we quote: "The courts have uniformly held that under the constitution there is no power to compel any one to work. There is not only no contract that can do it, but no law can do it. I can see no difference whatever between infringing the liberty of contract with respect to the hours of labor, and infringing liberty of contract with respect to a minimum wage."

If it is desirable in the interest of the State to protect its citizens from exploitation, there is the same justification to prohibit employers from paying excessively low wages as for other modern restriction such as the prevention of the employment of women for more than a specified number of hours per day or at night, or in unsanitary workshops. (Page 46.)

Ibid. Vol. I. Appendix III. Minimum Wage Symposium.

Statement of Rev. John A. Ryan, Professor of Economics, St. Paul Seminary; Author of "The Living Wage".

Those who are at a loss for genuine argument—and occasionally a few other misguided persons—tell us that the minimum wage is Socialistic. Apparently their thought is that any new and pronounced extension of state authority to industry must be thus characterized.

If this assumption were true it would be equally decisive against the parcels post, government savings banks, workmen's compensation laws, child labor restrictions, and all other forms of labor legislation. All these do things which the State would do under Socialism. Whether a given industrial statute is Socialistic or not may be considered as a question of principle or as a question of practical tendency. Judged by the former standard, the minimum wage is clearly not Socialistic; for it merely regulates, restricts, conditions the wage contract in private employments, whereas under Socialism private employments would be not regulated but abolished. . . .

The State has not only a right, but a duty of enacting such legislation. It is bound to protect the natural rights of the individual. In the case of the wage-earner, the claim to a decent living wage is, as Pope Leo XIII declared, a natural right.

When, therefore, the State cannot guard this right by any other means than a minimum wage law, its obligation to pass such a law is clear and urgent—quite as clear and urgent as its duty of protecting the individual's life, limb or property. None of these latter goods are essentially more important to the wage-earner than his livelihood, and his livelihood depends upon his wages.

If the State is unable or unwilling to protect this, it is to that extent a failure. (Page 637.)

Statement of Harry Allen Overstreet, Professor of Philosophy, College of the City of New York.

Minimum wage legislation differs nowise in principle from the various types of legislation—factory acts, acts governing the maximum hours of labor, acts regarding women and child labor—that have in recent years become broadly recognized as economically, socially and morally justifiable. In all these cases the principle involved is the right, nay the obligation of society to set a civilization-standard below which economic processes must not fall. When this type of legislation was first broached early in the nineteenth century, the panic cry was raised

that economic enterprises could not stand the strain; that if they were required to furnish well ventilated factories, guarded machinery, shorter hours for workers, etc., they would be compelled to go out of business. In most cases the whole matter ended with the cry. In many instances, dividends actually grew larger with the growing efficiency of labor and the increased effectiveness of business organization. In the few cases however where enterprises did go under by reason of the added requirements, it was easily recognized that their elimination was for the public good.

There is no more reason to believe that economic enterprises left to themselves will set a wage standard that is adequate than that they will set a sanitary or a leisure standard. If regulation in the latter respect is deemed (as it now is) absolutely essential, regulation in the former respect is equally necessary. (Pages 728-729.)

The Underlying Principles of Modern Legislation. W. Jethro Brown, *Professor of Law in the University of Adelaide, South Australia. 3rd Edition, London, Murray, 1914.*

Such laws (Factory Laws), so far from abolishing competition, had rather the effect of making competition more real. They rescued whole classes of the community from a condition of degradation in which competition had been free in name only. (Page 201.)

The attempts of legislatures to secure a minimum wage afford a striking illustration of the policy of moralising competition. While these attempts have been too recent to admit of a final pronouncement in favor of any one of the various schemes actually tried, none of the schemes with which I am acquainted can be regarded as involving a startling innovation. They are simply an extension to wages of a principle on which the factory legislation of the nineteenth century was based. Both the old factory legislation and the new are expressions of the will of the State to exercise a control over industry with respect to the conditions of labour.

While the old legislation was concerned with the hours of labour and the sanitation of the factories, and the new legislation is more especially concerned with the rate of wage, it must not be forgotten that "prolonged hours of labour are in fact but a form of diminished wages". The ends served by the old legislation and the new are the same—the protection of the workers, the care of womanhood and weakness, and the nurture of the childhood of the race. In both the old legislation and the new, these ends are affected by the same means—the elevation of the plane of competition among employers. In the absence of State control, the capitalist who underpays his workmen is able to undersell his rival. In other words, the rate of wage is ultimately fixed, not by the fairminded employer, but by the unscrupulous employer. There is another respect in which we may trace an identity between the old factory legislation and the new. Both originate in the proved inadequacy of any means, short of legislative action, to moralise the conditions of competition in the labour market. (Pages 202-203.)

The Recent History of the Living Wage Movement. Henry W. Macrosty. *Political Science Quarterly, September, 1898.*

In a long series of public health acts and factory acts rules were established, coextensive with industry, for the regulation of the conditions under which labor should be carried on. Each successive Act of Parliament carried the interference of the state into more minute details of industry. . . .

The natural result has been the application of the same doctrine to wages, and the emergence of the vague idea of the "living wage". (Page 414.)

Report of Massachusetts Commission on Minimum Wage Boards, 1912. House Document No. 1697.

To say that a woman shall not contract to work for less than a decent living wage is to go no further than

to say that she shall not contract to work more than eight or ten hours, or under certain other unwholesome conditions which may affect her as the potential mother of future citizens. Indeed, it is much easier to trace a social connection between working for wages inadequate to maintain a decent standard of living, and working more than eight or even ten hours a day. (Page 23.)

The New Democracy. WALTER E. WEYL. *Macmillan, New York, 1912.*

It is economically as possible to regulate wages as to regulate hours or sanitary conditions. It is as easy to forbid the manufacturers to pay less than a definite scale of wages as it is to forbid the manufacture of counterfeit coins or the distilling of untaxed whiskey. All that is required is a changed point of view in ourselves and our judges. (Pages 293-294, footnote.)

We must regulate factory conditions for men, women and children and we must so change our legal traditions as to permit the state to establish, not only maximum hours of labor, but also, in the worst paid trades, minimum wages. (Page 326.)

The Legal Minimum Wage in the United States. ARTHUR N. HOLCOMBE. *American Economic Review, March, 1912.*

The attempts to standardize some of the items of the labor contract and to set certain definite conditions upon which the community will welcome or tolerate the existence of industries within its borders, otherwise free to make their own terms as between buyers and sellers of the commodities they use or produce and the labor they employ, began a little over a century ago in England when the first factory act (the health and morals of apprentices act, 1802) was put on the statute book. Since that time a vast network of factory legislation has been evolved. Its success in the establishment of standards is not questioned, though great difficulties have been encountered in their administration and uniformly efficient enforcement.

Yet no modern state would think of abandoning labor legislation. The minimum wage proposal must be regarded as a further attempt to enlarge the scope of labor legislation. It means simply the extension to the wage item of the labor contract of the common rules designed to protect a public interest as well as to maintain a fairer equality between the parties to the labor contract. (Pages 45-46.)

The Proposed Pennsylvania Minimum Wage Act. WILLIAM DRAPER LEWIS. *American Academy of Political and Social Science. Annals. Vol. 48, July, 1913.*

The three main factors affecting employment are the sanitary and other physical conditions under which the work is performed, the hours of labor, and the rate of wages. Under-payment is just as surely a cause of physical deterioration and disease as over-work or unsanitary conditions.

Our courts have determined that an act which regulates in a reasonable manner sanitary conditions, or an act which places a reasonable maximum on the hours of employment is constitutional even though such acts do limit the theoretic freedom of contract between employer and employee. The constitutionality of a minimum wage act rests on exactly the same reason which to-day supports reasonable regulations of the hours of labor and the physical conditions under which the labor may be performed. (Page 38.)

The Minimum Wage as a Legislative Proposal in the United States. SAMUEL MCCUNE LINDSAY. *American Academy of Political and Social Science. Annals. Vol. 48, July, 1913.*

The economists have at least made out a presumptive case for the desirability of a minimum standard below which wages should not be allowed to fall in the low-paid industries. The suggestion is not that wages should be fixed by law or that the principle of competition in the

fixing of wages should be entirely abandoned. It is rather that further limits should be placed on competition with respect to the labor contract beyond those that now obtain in the laws of most states concerning the hours of labor, the age limits at which children may work in various occupations, etc. (Page 45.)

Some Aspects of the Minimum Wage. H. A. Millis. *Journal of Political Economy, February, 1914.*

Yet, in the last analysis, the minimum-wage movement is but one evidence of a quickened public conscience which is begetting progressive legislation along diverse lines. New standards are being set for corporate business, for promoters' activities, for the use of natural resources, as well as for working conditions in mine, factory, and store. Though labor legislation has lagged behind our working ideals, two decades have witnessed the enactment of far-reaching measures for the conservation of childhood in almost every state of industrial consequence. Though only a few states have established the eight-hour day with rigid regulations designed to conserve the interests of women and youths gainfully employed, almost three-fourths of the state legislatures have legislated less radically upon this subject and thus set standards of some kind. A few years have witnessed a remarkable substitution of compensation or insurance for the method of suit for damages under the law of employers' liability for injuries sustained in the course of duty. More than a beginning has been made in the sanitation of workshops, and at least a beginning has been made in the prevention of industrial accidents and occupational disease. All of these branches of labor legislation have as their object the conservation of human life, health, and efficiency, and the safeguarding of a modicum of opportunity. And now the regulation of wages is advanced as the next logical step in this programme of human conservation. It is urged as the keystone of the arch in labor legislation. (Pages 132-133.)

Sweating. EDWARD CADBURY *and* GEORGE SHANN. *Headley Bros., London, 1907.*

At the present time it is not necessary to justify the right of the State to interfere with the individual so long as such interference is for the good of the community as a whole, and the long story of factory legislation dealing with hours, sanitation, dangerous trades, etc., has justified itself by its results. (Page 112.)

. . . It is to be noted that the proposal to regulate wages is a logical extension of the principle justified by a century of experience, of regulating hours, sanitary and other conditions of work. State legislation in regard to these matters increased in the first instance the cost of production, but the principle on which such regulation proceeds is that no trade has a right to persist at the expense of the health and strength of the employees. The result of this legislation is that the unscrupulous employer cannot compete unfairly by providing insanitary conditions of work or by employing his work people long hours. Thus competition must work on other lines and induces more efficient management and the invention of improved machinery. The increased outlay is also compensated for by the increased efficiency of the workers.

The same line of argument justifies the regulation of wages. (Pages 121-122.)

Thus there is no logical distinction between fixing by legislation a standard of hours and sanitation and fixing a standard wage. A trade that does not pay a wage that allows for the maintenance of the health and strength of the workers is detrimental to the welfare of the public. (Page 122.)

West Ham. EDWARD G. HAWARTH, M. A., *and* MONA WILSON. *J. M. Dent & Co., London, 1907.*

One employer whose attitude was not, on the whole, unsympathetic to the inquiry, although he failed to produce returns, asserted that his wages were quite disgraceful, and that he could not understand why he and other

employers in his trade were allowed to pay their work people what they chose since ventilation and other conditions of their employment were regulated by the Factory and Workshop Act. (Page 155.)

British Sessional Papers. Vol. VI. 1907. Report from the Select Committee on Home Work. Minutes of Evidence.

G. R. Askwith (Barrister, Arbitrator in Trade Disputes):

Parliament stepped in in the Factory Acts to stop the exploiting of the individual by unlimited competition in the production of articles, and that is exactly what the idea of these bills is with regard to people who have not been able to organize themselves, and, in certain industries, to continue the policy of the Factory Acts. (Page 210.)

British Sessional Papers. Vol. VIII. 1908. Report from the Select Committee on Home Work.

Upon the question of the general policy of Parliament fixing or providing for the fixing of a minimum rate of payment for work, below which it should be illegal to employ people, your Committee are of the opinion that it is quite as legitimate to establish by legislation a minimum standard of remuneration as it is to establish such a standard of sanitation, cleanliness, ventilation, air space, and hours of work. If it be said that there may be industries which cannot be carried on if such a standard of payment be enforced, it may be replied that this was said when the enactment of many of the provisions of the Factory and other similar Acts were proposed, and public opinion supported Parliament in deciding that, if the prognostication were an accurate one, it would be better that any trade which could not exist if such a minimum of decent and humane conditions were insisted upon should cease. Parliament, with the full approval of the nation, has practically so decided again and again, when enactments have been passed forbidding the carrying on of specified industries, unless certain minimum condi-

tions as to health, safety and comfort are complied with. (Page XIV.)

Ibid. Vol. LXXI. 1908. Report to the Secretary of State for the Home Department on the Wages Boards and Industrial Conciliation and Arbitration Acts of Australia and New Zealand. ERNEST AVES.

The Special Board system of Victoria is an extension of the factory legislation of that State, and the legal sanction for the establishment of these Boards is still found in the same Act that regulates conditions as regards health and safety. Thus, alike in enactment and in administration, the Special Boards form part of the general system of factory regulation. (Page 11.)

Hansard's Parliamentary Debates. House of Lords. Vol. 2. 1909.

The Lord Bishop of Southwark:

It is pathetic to observe what an immense amount of fact, involving human suffering and distress, has to accumulate before we at length arrive at the happy day when the evil can be dealt with and relief given. But in this case that day has certainly arrived, and I think one may say that it is, in fact, overdue. (Page 987.)

We cannot approach a matter of this kind without remembering that we are taking a step in advance, and though one of the defenders of the measure in another place used rather strong language about the revolutionary character of the Bill, I cannot help feeling that the Bill only does in a new way what has been done in past times in a number of Statutes, which were met by the same argument—that it would crush trades out of existence. The argument that it is better to give people bad food than no food, and arguments of that kind, no doubt have their weight, but they are not new arguments. *Hansard* would supply a good many instances of their use in past times.

The former steps that have been taken in legislation have had the effect of lifting us as a community a step in civilization. There can be no doubt that if we look at the general state of the population compared with what it was before the Statutes dealing with truck, with women's labour, and similar subjects were passed, it will be seen that we have gone up a step in civilization, but there remains in a large part of the industrial world a social condition which is barbarous in its effect upon those employed. (Pages 988-989.)

Hansard's Parliamentary Debates. House of Lords. Vol. 2. 1909.

Lord Ampthill:

There is absolutely nothing that is revolutionary about this (Trade Boards) Bill. There is nothing that is inconsistent with the principles which have underlain all our social reform and the factory legislation of the last fifty or sixty years. . . . I hold that the very first of the long series of Acts for social reform, the Truck Act, was an Act which interfered to regulate wages, and in the latest of the series—the Eight Hours Act—there is no question whatever that the action of Parliament has interfered between the employer and the workman in the matter of payment. Then, again, there has been interference in regard to the remuneration of labour in the administrative acts of Government Departments themselves, a fact which is, of course, familiar to everybody. (Page 1001.)

Hansard's Parliamentary Debates. N. S. Vol. 4. 1909.

Mr. H. J. Tennant, Parliamentary Secretary of the Board of Trade:

. . . We know that new principles have been carried out in the law of this country in regard to work and wages. The provisions as to particulars and truck are evaded to a great extent and to an injurious degree, but I am sure that Hon. Members below the Gangway will

bear me out when I say that enormous good has resulted from those enactments, and are we going to deny the indubitable benefits of this legislation simply because we are afraid that for some of those who are most in need of it our intentions may be frustrated? I cannot help thinking that that is not good argument. (Page 349.)

I think I have shown that the evil with which we are attempting to deal is a real evil, that it is of old standing, and that it clamours for remedy. I have also shown that our remedy has the same inspiration and the same objective as was possessed by the old reformers, and proceeds upon lines parallel with those which have led the State to interfere with the control of the hours of labour, and the conditions of safety and sanitation. Our remedy only gives statutory sanction to principles and methods adopted in numberless cases by voluntary agreement, which have been attended with the greatest possible success. (Page 350.)

National Conference on the Prevention of Destitution. The Work of the Trade Boards. J. J. MALLON. *P. S. King & Son, London, 1912.*

The successful results of a legal minimum wage have been demonstrated by half a generation of actual experience. That the legal enactment of common rules for an industry as a whole, far from lessening production, would, as compared with each employer managing his business as he thought best, actually be an economic advantage to the industry, has been the teaching of Political Economy for the whole of this century.

We have in fact, for a whole century been prescribing by law the minimum condition of the wage contract with regard to one item after another and thus regulating, in the public interest, by a hundred successive statutes, the condition under which industry shall be carried on.

And the scope of the legislation has steadily broadened. For a long time our factory acts confined themselves in the main to the enactment of a legal minimum of sanitation and safety in the workshop and the mine, insisting, for instance, that whether or not profits were

being realized, employers should provide healthy work places properly warmed and ventilated, free from noxious effluvia, sufficiently protected against accidents, and adequately equipped with sanitary conveniences. From that our code went on to prescribe, for boys and girls, a Legal Minimum of Education, requiring parents and employers to forego the help in industry of children below a certain age, insisting that such children should be in attendance at school, and now gradually enlarging the sphere of the Local Education Authority so as to ensure that no child remains below the prescribed National Minimum of Nurture in any respect whatever. Meanwhile our labor code was laying down also a Legal Minimum of Leisure and Rest by prescribing a maximum working day, insisting upon proper intervals for mealtimes and holidays, limiting overtime, etc.

All these successive interferences with the employer's "right" to "manage his business in his own way" were resisted on the ground that they involved additional expense, increased the cost of production, just as much as if the rate of wages had been arbitrarily raised, and that they thereby made it impossible for the most hardly pressed business to be carried on. That they amounted virtually to a confiscation of property was repeatedly asserted. It was, as an eminent Conservative Minister declared in the House of Commons: "Jack Cade Legislature", which robbed the capitalist of some of his income for the assumed benefit of his work people. It was accordingly nothing more in the way of Jack Cade Legislature than that to which we had long grown accustomed, when the Legislature of Victoria, in 1896, added to the various minima already required by its Factory Code, a Legal Minimum Wage. (Pages 394-396.)

The Economic Theory of a Legal Minimum Wage. Sidney Webb. *The Journal of Political Economy, University of Chicago Press, December, 1912.*

Just as it is against public policy to allow an employer to engage a woman to work excessive hours or under insanitary conditions, so it is equally against public policy

to permit him to engage her for wages insufficient to provide the food and shelter without which she cannot continue in health. Once we begin to prescribe the minimum conditions under which an employer should be permitted to open a factory, there is no logical distinction to be drawn between the several clauses of the wage contract. . . . To the economist and the statesman, concerned with the permanent efficiency of industry and the maintenance of national health, adequate food is at least as important as reasonable hours or good drainage. To be completely effectual the same policy will, therefore, have to be applied to wages. Thus, to the economist, the enforcement of a Legal Minimum Wage appears but as the latest of the long series of Common Rules, which experience has proved to be (*a*) necessary to prevent national degradation; and (*b*) positively advantageous to industrial efficiency. (Page 17.)

Indeed, the fixing of a minimum wage on physiological grounds is a less complicated matter, and one demanding less technological knowledge, than the fixing of a minimum of sanitation, which is done in every factory law; and it interferes far less with the day-by-day management of industry or its productivity, than any fixing of the minimum hours of labor, whether of men or women, to which, wherever excessive hours prevail, the European economist is now converted. (Page 23.)

The Practical Case for a Legal Minimum Wage. E. C. K. Ensor. *Nineteenth Century, August, 1912.*

It is difficult as had been said, upon any ground of pure logic to explain why under-payment did not become an orthodox subject for labor legislation just as much as over-long hours, inadequate sanitation or dangerous machinery. Whether you put State interference on the ground of humanitarian sentiment, or on the more scientific ground of conserving the nation's capital resources makes no difference. It is just as cruel to underpay people as to overwork them and just as wasteful from a national standpoint. (Page 267.)

Der Mindestlohn. (*The Minimum Wage.*) D. PESL, *Member of the Bar of the Supreme Court. Duncker & Humblot, Munich, 1914.*

In Germany, too, we must come to the legal regulation of wages. Indeed it is almost astonishing that Germany, which has always been and still is ahead of all other countries in the field of social legislation, should still remain behind just at the point where such legislation as sickness, accident and invalidity insurance can be made fully effective—that is, in the matter of legal wage-regulation. However beneficial the insurance of workers incapacitated by sickness, accident, age or weakness has been, it is still regrettable that besides these there are hundreds of thousands of workers who, in spite of the greatest industry, must suffer want and privation because their income is too small for the maintenance of a better standard of living. Minimum wage legislation, as we have seen, has been adopted already in a number of countries, even in "free" America, and if we have hitherto had no such legislation in Germany, this is not to say that we can do without it. On the contrary, we need it no less than the other countries, and presumably it will not now be long before we shall also guarantee by law a fair income to the worker. In one case already the demand for the introduction of a legal minimum wage has been made, namely, in connection with the discussion of the home-work law. Although at that time, unfortunately, the law with reference to wage-regulation was not adopted, it is unavoidable that sooner or later the idea of the legal regulation of the minimum wage will again be taken up and realized. (Pages 368-369.)

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District of Columbia Minimum Wage Cases.

Supreme Court of the United States

OCTOBER TERM, 1922.

No. 795 AND No. 796.

JESSE C. ADKINS, ET AL., CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA, APPELLANTS,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, A CORPORATION

JESSE C. ADKINS, ET AL., CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA, APPELLANTS,

vs.

WILLIE A. LYONS.

APPELLANTS' MEMORANDUM ON THE ISSUE OF THE JURISDICTION OF THE COURT BELOW.

FRANCIS H. STEPHENS,
Corporation Counsel, District of Columbia.

FELIX FRANKFURTER,
of Counsel,

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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1922.

Nos. 795 and 796.

JESSE C. ADKINS, *et al.*, constituting the Minimum Wage Board of the District of Columbia,

Appellants,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA.

JESSE C. ADKINS, *et al.*, constituting the Minimum Wage Board of the District of Columbia,

Appellants,

vs.

WILLIE A. LYONS.

APPELLANTS' MEMORANDUM ON THE ISSUE OF THE JURISDICTION OF THE COURT BELOW.

Introductory.

With minimum wage laws enacted in thirteen States not including the District of Columbia, it is of vital importance that the question raised as to the constitutionality of this legislation be disposed of at the earliest possible date. Being desirous of expediting the disposition of the constitutional issues involved, counsel has been exceedingly reluctant to question the propriety and jurisdiction of the Court of Appeals in ordering a rehearing of these causes after the Court had separated for

the summer vacation and adjourned for the Term, the petitions for rehearing filed within the proper time limit having previously been duly denied by the Court. But there are issues involved which cannot be, and ought not to be, waived. Although counsel had originally planned merely to refer to the vigorous dissenting opinion of the Chief Justice of the Court of Appeals, none the less, after reflection, they have concluded that it was their duty, as lawyers and officers of this Court, to present directly to this Court the issue involved in the procedure adopted in these causes in the Court below. This memorandum deals exclusively with the questions thus raised.

The facts with reference to the procedure adopted, as described by Chief Justice Smyth, present no less an issue than whether justice is to be administered in the Court of Appeals for the District of Columbia according to Law, or according to Judge. In all great constitutional struggles, the strength of the judiciary has lain in the orderly and objective character of the judicial procedure employed. The bar, and, through it, the lay public, have always been impressed with a deep conviction that our judges were striving to administer justice according to law, and to find and evolve standards from principles and traditions accepted as our common legal heritage. We venture to suggest that the present record presents a unique instance of the presiding judge of an appellate Federal Court challenging, in effect, the conduct of his colleagues as an arbitrary and personal administration of justice. All the more is it to be regretted that the judges responsible for the procedure below did not deem it necessary to put on the record an explanation of the conduct which evoked such a protest from Chief Justice Smyth.

Facts.

On June 6th, 1922, at the final formal session of the Court for the April term, the cases here in question were

duly decided by the Court of Appeals for the District of Columbia. Mr. Chief Justice Smyth and Mr. Justice Stafford handed down opinions confirming the decrees entered by the Supreme Court of the District, Mr. Justice Van Orsdel delivering a dissenting opinion. At the time the causes were first called for hearing on appeal Mr. Justice Robb was unable to sit because of illness. Pursuant to section 225 of the Code of Law for the District of Columbia (the pertinent parts of which are quoted in the footnote*), the other justices designated Mr. Justice Stafford of the Supreme Court to take his place (R., fol. 40). The order designating him provided that he should "sit as a member of this Court in the absence of Mr. Justice Robb, in the hearing and decision of the following cases", among which were the cases now under consideration. Mr. Justice Stafford accordingly took his place, participated in the hearings of the causes, and in their consideration and final disposition. As stated, the Court on June 6th sustained the constitutionality of the act and affirmed the decrees of the trial Court (R., 43).

A motion for rehearing in each case was filed by the plaintiff on June 14th, in conformity with Rule XXIV of the Court of Appeals.** On June 22nd, the motions

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*Sec. 225.— * * * * * If any member of the Court shall be absent on account of illness or other cause during the session thereof [of the Court of Appeals], or shall be disqualified from hearing and determining any particular cause by having been of counsel therein, or by having as justice of the Supreme Court of the District of Columbia previously passed upon the merits thereof, or if for any reason whatever it shall be impracticable to obtain a full court of three justices, the member or members of the Court who shall be present shall designate a justice or justices of the Supreme Court of the District of Columbia to temporarily fill the vacancy or vacancies so created, and the justice or justices so designated shall sit in said Court of Appeals and perform the duties of a member thereof while such vacancy or vacancies shall exist. * * * *And provided, also,* that all motions to dismiss appeals and other motions may be heard by two justices in the event of the absence or disqualification of any one of the justices as aforesaid: *And provided further,* That if in any cause heard before two justices as aforesaid the Court shall be divided in its opinion, then the judgment or decree of the lower court shall stand affirmed.

**Rule XXIV of the Court of Appeals of the District of Columbia. "All motions for reargument, or for modifications of judgments or decrees, shall be made in writing and filed with the clerk of the court within 15 days from the time of the opinion or judgment delivered; and it shall be the duty of the clerk of this Court to deliver a copy of such motion to each member of the Court without delay, and during such period of 15 days no mandate shall issue unless upon special order of the Court for good cause shown."

for rehearing were duly considered and overruled by the Court, consisting of the Chief Justice and Mr. Justice Stafford, Mr. Justice Van Orsdel being absent. Section 225* of the code, it will be recalled, provides that where one member of the Court is absent or disqualified, two justices may rule on motions. At the time the motions for rehearing were overruled, orders were made that the mandates be withheld until the appellants had a reasonable opportunity to apply to the Supreme Court of the United States for review (R., fol. 77). As the Chief Justice pointed out in his opinion, the motions for rehearing did not challenge in any way the right of Mr. Justice Stafford to participate in the disposition of them, and the question as to his right to do so was not before the Chief Justice and Mr. Justice Stafford at the time they overruled the motions, and never was submitted to them, nor had any member of the Court been asked to pass on it prior to the overruling of the motions, so far as the Chief Justice was aware. Apart from the disposition of the motions for rehearing duly made under Rule XXIV of the Court, the last formal session of the Court for the April term was held on June 6th, at the time the opinions in these cases were handed down. It appears from the opinion of the Chief Justice, moreover, that the members of the Court actually separated for their summer vacation about June 22nd (R., p. 67).

It was therefore not until after the Court had adjourned *sine die* and had separated for the summer vacation, with no thought of considering any further matters in the April term, that any further question was raised as to the rehearing.

What happened subsequently is set forth in the opinion of the Chief Justice as follows:

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*See footnote, page 3, *supra*.

"June 25, three days after the motions for rehearing had been overruled, Mr. Justice Robb wrote to the Chief Justice as follows:

> 'Within fifteen days after the decision was announced in the minimum wage cases, counsel sent me their application for a rehearing, and insisted, and still insist, that I vote thereon. While I incline to the view that Justice Stafford no longer has any jurisdiction in these cases, I wish to look up the authorities, if any there be, before deciding definitely.'

"In answer the Chief Justice said the motions had already been passed upon, and he ventured to suggest reasons which then occurred to him for believing that Justice Stafford had acted within his authority when he united with the Chief Justice in overruling the motions. To this no answer was made, but on July 1 Justice Robb wrote, saying:

> 'After mature consideration, I have decided to vote for a rehearing in the minimum wage cases, and I am advising counsel to that effect, as well as Justice Van Orsdel.'

"Thereafter, in pursuance of directions from him and Mr. Justice Van Orsdel, the clerk entered an order granting a rehearing in both cases, the Chief Justice dissenting.

"About ten days after Mr. Justice Robb had notified the Chief Justice of his intention to vote, motions were filed to set aside the order made by Justice Stafford and the Chief Justice. These motions were based upon the ground that the order was not passed by a majority of the Court as constituted at the time the order was made. This was the first time the right of Justice Stafford was questioned by any pleading or other paper filed in the cases, or by any other method addressed to the Court. These motions were sustained July 13, Mr. Justice Robb

and Mr. Justice Van Orsdel concurring, and the Chief Justice dissenting."

It is for this Court now to determine whether the proceedings above described meet the requirements of judicial process according to law. The Chief Justice himself thus described the acts of his colleagues:

> "It would seem from the foregoing that the appellants, finding themselves defeated, sought a justice who had not sat in the case, but who, they believed, would be favorable to them, and induced him, by an appeal directed to him personally, to assume jurisdiction and join with the dissenting justice in an attempt to overrule the decisions of the Court. I shall not characterize such practice; let the facts speak for themselves."

Argument.

I

Jurisdiction of this Court to review order setting aside denial of original motions for rehearing.

1. It should be observed that Mr. Justice Robb and Mr. Justice Van Orsdel did not ask, and did not purport to ask, the Court below to reconsider the motions for rehearing. They acted on the assumption that the denial of the motions by the Court on June 22nd was an absolute nullity on the ground that Mr. Justice Stafford had no right to participate in their disposition. It should further be observed that the motions made in the Court below to set aside the orders entered by the Chief Justice and Mr. Justice Stafford denying the rehearing, did not request, and did not purport to request, a reconsideration of the motions for rehearing. The motions to set aside were based solely on the ground that the orders were not passed by a majority of the Court as consti-

tuted at the time the order was made. The only possible explanation that can be found for the action of Mr. Justice Robb and Mr. Justice Van Orsdel is that they regarded the orders entered by the Chief Justice and Mr. Justice Stafford as *coram non judice*, and of no binding force whatsoever. Of course, if the Court below had not adjourned *sine die* for the term, it may have been possible for the parties, apart from the requirements of Rule XXIV,* to move for a renewal or reconsideration of the motions for rehearing; or possibly, the Court may on its own motion have concluded to grant a rehearing. But, as has been indicated, Mr. Justice Robb and Mr. Justice Van Orsdel did not purport or intend to bring about a reconsideration of the motions, since they professed to deny that the motions had ever been judicially considered and disposed of.

Indeed, inasmuch as the Court had adjourned *sine die* for the term, once the petition for rehearing filed within the time limit prescribed by Rule XXIV of the Court had been denied, the decrees entered passed absolutely beyond the power of the Court of Appeals to alter or to vacate. If the orders denying the rehearing were properly entered, the mandates were withheld solely for the purpose of enabling the appellants to have a reasonable opportunity of perfecting their appeals. By Rule XXIV, which may be regarded as a standing order of the Court, the parties had fifteen days within which to file their petitions for rehearing. But, as no time for the resumption of the Court within the April term had been fixed or contemplated, the Court must be regarded as having adjourned *sine die* for the term, except for the consideration of the motions for rehearing filed within the prescribed time limit in respect of any opinions or judgments rendered during the term.

The decisions of this Court are clearly and explicitly to the effect that a Court of Equity has no power to

*See footnote, page 3, *supra*.

alter or vacate its decrees, or to grant a rehearing after the adjournment of the term.

This principle was briefly stated by Mr. Chief Justice Waite, speaking for the Court, in *Brooks* v. *Burlington & S. W. R. Co.*, 102 U. S., 107:

> "At the end of the term the parties are discharged from further attendances on all causes decided, and we have no power to bring them back. After that, we can do no more than correct any clerical errors that may be found in the record of what we have done.

Bronson v. *Shulten*, 104 U. S. 410, is perhaps the leading case on this subject, and has never been questioned. The rule is there stated by Mr. Justice Miller as follows:

> "In this country all courts have terms and vacations. The time of the commencement of every term, if there be half a dozen a year, is fixed by statute, and the end of it, by the final adjournment of the court for that term. This is the case with regard to all the courts of the United States, and if there be any exceptions in the State courts they are unimportant. It is a general rule of law that all judgments, decrees, or other orders of the courts, however conclusive in their character, are under the control of the court which pronounces them during the term in which they are rendered or entered of record, and they may then be set aside, vacated, modified or annulled by that court.
>
> "But it is a rule equally well established, that after the term has ended all final judgments and decrees of the court passed beyond its control, unless steps be taken during that term, by motion or otherwise, to set aside, modify or correct them; and if errors exist, they can only be corrected by such proceedings by a writ of error or appeal as may be allowed in a court which, by law, can review the decision. So strongly has this principle been upheld by this court,

> that while realizing that there is no court which can review its decisions, it has invariably refused all applications for rehearing made after the adjournment of the court for the term at which the judgment was rendered. And this is placed upon the ground that the case has passed beyond the control of the Court."

In *Lewisburg Bank* v. *Sheffey*, 140 U. S. 448, this court, through Mr. Chief Justice Fuller, said:

> "The application for a rehearing was confessedly made after the adjournment of the May Term, at which the prior decree was entered, and too late, if that decree were final."

See, also, *Aspen Mining & Smelting Co.* v. *Billings*, 150 U. S. 31; *Wetmore* v. *Karrick*, 205 U. S. 141; In re *Metropolitan Trust Co.*, 218 U. S. 312; *U. S. Mayer*, 235 U. S. 55; *Street, Federal Equity Practice*, Sections 2076, 2089 and 2111.

It should also be noted that Federal Equity Rule 69 provides:

> "Every petition for a rehearing shall contain the special matter or cause on which such hearing is applied for, shall be signed by counsel, and the facts therein stated, if not apparent on the record, shall be verified by the oath of the party or some other person. No rehearing shall be granted after the term at which the final decree of the court shall have been entered and recorded, if an appeal lies to the Circuit Court of Appeals or the Supreme Court."

2. It is, of course, the ordinary rule that the granting or refusal, absolute or conditional, of a rehearing in equity, as of a new trial at law, rests in the discretion of the court in which the case has been heard, and is not a subject of appeal. *Roemer* v. *Bernheimer*, 132 U. S. 103.

But that, of course, does not mean that a rehearing may be granted after the decree has passed beyond the control of the court attempting to grant the rehearing. Nor does it mean that an order, vacating an order denying a rehearing on the ground that the previous order was entered without jurisdiction, cannot be reviewed on appeal. The rule that an order, granting or denying a rehearing, cannot be reviewed on appeal, is based on the ground that an order of this character rests solely within the discretion of the Court. But the vacating of an order on the alleged ground of want of jurisdiction, is not a matter discretionary with the Court. It is a matter of strict law. As it is a jurisdictional question, it would seem peculiarly a question to be reviewed by this Court. And even if it were not considered a matter of strict jurisdiction, it would, none the less, raise an important point in the law of legal procedure and statutory construction for this Court to consider. It is, of course, well established that if this Court has jurisdiction to review a case because the constitutionality of a law is in issue, it may and should determine all questions involved, even though those questions in other proceedings might not be subject to review. In *Brolan* v. *U. S.*, 236 U. S. 216, 217, Mr. Chief Justice White, speaking for this court, stated:

> "Our jurisdiction to directly review depends upon the constitutional question, since the other matters relied upon are, as a general rule, within the exclusive jurisdiction of the circuit court of appeals of the ninth circuit, although, if power to review attaches to the case because of the constitutional question, that authority gives rise to the duty to determine all the questions involved."

The same principle was stated by Mr. Justice Pitney, in *Louisville & N. R.* v. *Finn*, 235 U. S. 601, 604:

> "The jurisdiction of the Federal Court was invoked because of questions raised under the Constitution of the United States, and not because of diversity of citizenship; but it extends, of course, to the determination of all questions presented, irrespective of the disposition that may be made of the Federal questions, or whether it is necessary to decide them at all. *Ohio Tax Cases*, 232 U. S. 576, 587, and cases cited."

II

Mr. Justice Stafford was competent to participate in the disposition of the original motions for rehearing and reargument in the cases in which he sat, by assignment, upon the original hearing.

1. It becomes important to consider whether Mr. Justice Stafford was competent to sit in the Court of Appeals and participate in the decision on the motion for a rehearing of these cases. It is apparently admitted that Mr. Justice Stafford properly participated in the hearing and determination of these cases when first heard on appeal. The point is raised that he was not competent, however, to participate in the hearing and determination of the motions for rehearing because of the fact that Mr. Justice Robb, who had been ill, had returned to the Court. It should be borne in mind that the question in issue is not whether Mr. Justice Robb had jurisdiction to sit, but whether Mr. Justice Stafford was competent to sit. It may be conceded at the outset that if Mr. Justice Robb had returned to the Court, he was competent to sit. But it does not follow from that fact, that Mr. Justice Stafford was not also competent to sit. The power of a substitute judge to continue the causes pend-

ing before him, including the hearing and determination of motions for rehearing or new trial, notwithstanding the return to his duties of the judge for whom he has been substituting, has never before, it is believed, been seriously questioned, either as a matter of precedent or practice, by any court to which the question has been presented. *Shore* v. *Splain*, 49 App. D. C. 6, 258 Fed. 150; *Mayer* v. *Haggerty*, 138 Ind. 628, 635-6, 38 N. E. 42; *State* v. *Stevenson*, 64 W. Va. 392, 62 S. E. 688; *State* v. *Bobbitt*, 215 Mo. 10, 30, 114 S. W. 511; *State* ex rel v. *Williams*, 136 Mo. App. 330, 336, 117 S. W. 617; *Bohannon* v. *Tabbin* (Ky.), 76 S. W. 46, 49; *Dupoyster* v. *Clarke*, 121 Ky. 694, 90 S. W. 1; *Bedford* v. *Stone*, 43 Tex. Civ. App. 200, 95 S. W. 1086; *Fisher* v. *Puget Sound Brick, etc., Co.*, 34 Wash. 578, 76 Pac. 107; *State* v. *Tomlinson*, 7 N. D. 294, 74 N. W. 995; *State* v. *Towndrow*, 25 N. M. 203, 180 Pac. 282; *Johnson* v. *State*, 1 Okl. Cr. 321, 97 Pac. 1059, 1064.

2. Opposing counsel, below, has endeavored to urge against these authorities that, so far as they may be in point, they rest upon statutes. It is true that the provisions regarding substitute judges are, in nearly every case, statutory. But the provisions regarding substitute judges in the Court of Appeals for the District of Columbia are also statutory. The question is one of a fair and reasonable construction of the statute. There is no more reason for giving a strict, technical and wholly uncontemplated interpretation to the statutory provisions in the instant cases than in any other. Indeed, in a number of the cases above cited, the same technical objections which have been urged here, were set up by the complaining party, and were rejected by the Court.

3. That it had been, and that, as a matter of fact, it still is, the practice in the Court of Appeals of the District of Columbia, for the substitute justice to participate in the consideration and disposition of motions for re-

hearing in causes heard by him on appeal, although the regular justice may have in the meantime returned to his duties, is established beyond a doubt by the undisputed testimony of the Chief Justice below:

> "My opinion is that, while the substitute justice may not enter upon any new work after the return of the regular justice, he has the authority, and it is his duty, to complete the work undertaken while the regular member of the court was absent. This has been the practice, without a single exception, save the present case, since the organization of the court. *Shore* v. *Splain,* 49 App. D. C. 6, 258 Fed. 150. After the motions for rehearing were granted in these cases, Mr. Justice Robb refused to consider a motion for rehearing in a case in which he had not sat (*Clement* v. *Roberts,* 51 App. D. C. 29, 273 Fed. 757), and it was necessary to send for Mr. Justice Hitz, who took part in the hearing and decision of the case, to vote on the motion; there being a division of opinion among the other justices. At this moment a substitute justice is considering cases in the hearing of which he participated, though the justice whose place he took has returned to the court and is engaged in the discharge of his duties."

4. A weighty analogy is found in the practice in force in the various Circuit Courts of Appeal throughout the country. Section 117 of the Judicial Code provides that the Court shall be composed of three judges, and section 120 provides that the chief justice, the associate justices of the Supreme Court assigned to the circuit, the circuit judges and the district judge in the circuit, shall all be competent to sit as judges on the Circuit Court of Appeals. So far as counsel can ascertain, the invariable practice in all the circuits is to refer motions for rehearing to the judges who originally heard the appeal, including the district judge or judges who sat by assignment, if they are available, and, if a rehearing is granted,

it is the usual practice of the presiding judge to endeavor to have the same judges sit on the reargument. This does not mean that in case of need, other judges may not consider the motion for rehearing. Indeed, it would seem to be clear under the rules, that it is only necessary for one of the judges who sat on the original appeal to concur in the motion granting the rehearing.* In nearly every circuit, there are four to five circuit judges, not including the district judges, who commonly sit in the Circuit Court of Appeals. It is not believed that the presiding judge in any circuit would tolerate for a moment any attempt on the part of counsel to select from the panel of competent judges, any particular judge or judges to participate in the disposition of a motion for rehearing. If such a practice were tolerated, it would obviously undermine the integrity and honor of the American judiciary, and rob it of the respect and confidence of the people.

5. That the sound administration of justice is furthered by having those judges who originally heard the appeal pass on the motion for rehearing, is hardly open for question. It has always been assumed that statutory rules of procedure were to be interpreted in the light of reason and with a view to furthering and not frustrating the interests of justice. This is well pointed out by the Court in *Mayer* v. *Hagerty, supra.*

> "Besides, in this case, the special judge was peculiarly the person to whom the petition for a *nunc pro tunc* entry and the motion for a new trial should have been addressed. He was 'the court rendering the judgment.' R. S. 1881, section 1064;

*Rule 30 of the rules of the United States Supreme Court, which is found as Rule No. 29 in the rules of the Circuit Court of Appeals for most circuits, reads as follows:

> "A petition for rehearing after judgment can be presented only at the term at which judgment is entered unless by special leave granted duirng the term; and must be printed and briefly and distinctly state its ground and be supported by certificate of counsel; and will not be granted, or permitted to be argued, unless a justice who concurred in the judgment desires it, and a majority of the court so determines."

> Burns R. S. 1894, section 1076. 'When the regular judge yields the bench, calls in a special judge, and duly appoints him to try a designated cause, the special judge thus acquires full authority over the cause throughout all of its stages.' *Perkins* v. *Hayward*, 124 Ind. 445. Section 415 R. S. 1881. Burns R. S. 1894, sec. 419, provides that a special judge 'shall have power to hear and determine said cause until finally disposed of.' The law provides for the motion for a new trial and for petitions and *orders for nunc pro tunc* entries, and in the very nature of things no one else could intelligently dispose of them."

The point is forcibly expressed by Mr. Justice Field in *Giant Powder Co.* v. *California Vigorit Powder Co.*, 5 Fed. 197, 202:

> "Where cases have been heard by the circuit judge sitting alone, I do not myself hear applications in them for a rehearing or motions for a new trial except by his request. This consideration to the different judges composing the court is essential to the harmonious administration of justice therein. As observed by me in a case reported in 1 Sawyer: 'The circuit judge possesses equal authority with myself on the circuit, and it would lead to unseemly conflicts if the rulings of one judge, upon a question of law, should be disregarded, or be open to review by the other judge in the same case' (p. 689)."

6. A careful examination of the authorities cited by opposing counsel below shows that they go no further than to establish that the regular judge on his return to his duties, may be competent to consider, or participate in the consideration of, a motion for rehearing or new trial of a cause heard by the substitute judge. The cases relied upon are all cases where the term of office of the judge acting as the substitute judge had expired, and his

successor acted upon unfinished business, or where the special judge withdrew, leaving work to be done. Of course, parties are not to be denied their right to move for a rehearing or new trial because of the unavailability of the judge or judges before whom their cause was originally heard. But that is a wholly different aspect of the administration of justice than that which is involved in sanctioning the procedure below of disqualifying upon motion for the rehearing of a case a judge who sat, by lawful assignment, upon the original hearing.

The challenge of the chief justice below for a controlling authority for, or adequate explanation of, the singular procedure adopted, remains unanswered:

> "Cases where a judge's term of office had expired and his successor acted upon unfinished business, or where a special judge withdrew leaving work to be done, have no application. In such cases public policy required that the unfinished work be disposed of; but here no question of that kind existed, for Justice Stafford had completed the work for which he had been assigned before Mr. Justice Robb had decided to act. The Shore case is directly in point. Why was it not followed? No explanation is offered. If we are not to respect our own decisions, their publication is an idle ceremony, and must have a tendency to mislead the profession."

Conclusion.

It is therefore respectfully submitted that the motions for rehearing of these cases below were duly denied by the Court, including Mr. Justice Stafford; that any subsequent action by Mr. Justice Robb and Mr. Justice Van Orsdel was null and void, and inconsistent with the forms of judicial process recognized and in force in courts administering justice by law under the Constitution.

Respectfully submitted,

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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1922.

Nos. 795 and 796.

JESSE C. ADKINS, ET AL., CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA,

Appellants,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, A CORPORATION.

JESSE C. ADKINS, ET AL., CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA,

Appellants,

vs.

WILLIE A. LYONS.

BRIEF FOR APPELLEES.

STATEMENT OF THE CASES.

These cases come to this Court on appeal from final orders of the Court of Appeals of the District of Columbia, affirming decrees of the Supreme Court of the District holding unconstitutional the District of Columbia Minimum Wage Law (Act of September 19, 1918, ch. 174, 40 Stat. L. 960) and enjoining the en-

forcement of an order of the Minimum Wage Board of March 26, 1920 (made under authority of the statute), providing that no person, firm, association or corporation should employ a woman in any hotel, lodging house, apartment house, club, restaurant, cafeteria or hospital, at wages less than those fixed by the Board.

The cases present the question of the constitutional validity of the District of Columbia Minimum Wage Law. That law, passed September 19, 1918, establishes a board, composed of three members appointed by the Commissioners of the District, to be known as "Minimum Wage Board." The Board is given authority to ascertain the wages paid to women and minors in different occupations in the District of Columbia, to examine the books of any employer of women or minors, and to require of such employer a full statement of such wages paid; it is authorized to declare (a) standards of minimum wages for women in any capacity and what wages are adequate to supply the cost of living and (b) standards of minimum wages for minors in any occupation and what wages are unreasonably low. The Board is given power, after certain investigations, conferences with persons appointed by it and hearings by the Board, to fix wages for women employees in any occupation in the District of Columbia where the Board is of the opinion that any substantial number of women workers are

receiving "inadequate" wages, and also to fix "piece rates" where women are being paid by the piece.

After such order of the Board fixing wages or piece rates in any occupation takes effect, it becomes a criminal offense by the provisions of the law, punishable by fine or imprisonment, or both fine and imprisonment, for any employer or any agent, director or officer of any corporation employer to pay any woman employee in such occupation any less wages than those fixed by the Board, or otherwise to violate the Act with reference to wages. And any employer is also made liable in a civil action to any woman employee for the full amount of the wage fixed less the amount actually paid, and any agreement for a less wage is no defense to the action. Prosecutions are to be on information filed in the police court by the Corporation Counsel.

The decision of the Board fixing wages is made final, and there is "no appeal from the decision of the Board on any question of fact", but an error of law embodied in any ruling of the Board may be reviewed by a court. The law further provides punishment of any employer or his agent who either "discharges or in any manner discriminates against any employee because such employee has served or is about to serve on any conference or has testified or is about to testify, or because such employer believes that said employee may serve

on any conference or may testify in any investigation or proceeding under or relative'' to the Act.

The law provides that it shall be known as the ''District of Columbia Minimum Wage Law'' and that its purposes are to protect women and minors of the District from conditions detrimental to their health and morals. (See Appendix A of this Brief.)

(By separate provision the Board is authorized to inquire into the wages of minors and ''determine suitable wages for them'', but with these provisions we are not here concerned because the power to regulate contracts of minors stands on a different footing.)

The bill of complaint filed in the Supreme Court of the District of Columbia by the Children's Hospital recites that the Minimum Wage Board, purporting to act under the statute, issued on March 26, 1920, an order providing in substance that no person or corporation should employ a woman or minor girl in any hotel, lodging house, apartment house, club, restaurant, cafeteria, or other place where food is sold to be consumed on the premises, or at any hospital, at a rate of wages less than 34½ cents per hour, $16.50 per week, or $71.50 per month, and that when meals are furnished by any employer not more than 30 cents per meal may be deducted by such employer from the weekly wage in computing the minimum, and in case lodging is furnished not more than $2.00 per week

shall be so deducted, and tips and gratuities are not to be construed as part of the minimum wage. The order is alleged to be effective 60 days from date, or May 26, 1920. It further recites that the plaintiff is a corporation engaged in conducting a hospital for children in the District of Columbia and that it employs a number of women—scrubwomen, washerwomen, attendants, etc.—at less than the minimum wage fixed by the order; that this employment is under agreements voluntarily made with the employees, and that the employees are satisfied with the wages and desire to continue with the work, but that the Minimum Wage Board is required by the Act and threatens to prosecute the plaintiff for continuing to employ women over 18 years of age at less than the minimum wage; that the plaintiff will be subjected to a multitude of criminal prosecutions and the work conducted at the hospital will be seriously interfered with before it can secure a judicial determination of the validity of the statute and order, and the plaintiff asks for an injunction to restrain the Board from such prosecution, on the ground that the law under which the Board is acting is unconstitutional, in that it deprives plaintiff of liberty and property without due process of law in contravention of the Fifth Amendment to the Constitution of the United States. (Rec., p. 2.)

The bill of complaint filed by Willie A. Lyons recites the same order of the Minimum Wage Board and that the plaintiff is a woman of the age of 21 years and was on the 25th day of May, and for some months prior thereto, employed by the Congress Hall Hotel Company as an elevator operator and received a salary of $35.00 a month and two meals a day, in compensation for her services; that this employment was under an agreement made by her with the said Hotel Company; that she is willing to resume and continue her services at the same wages, and that the said Hotel Company was entirely satisfied with the services, and is ready and willing to resume and continue her in the said employment at the same wages, but that she was advised that the Hotel Company would be compelled to dispense with her services on May 26, 1920, by reason of the said order of the Minimum Wage Board; that the amount paid for her services was less than the amount required by the said order; that the Minimum Wage Board is required by the Act and threatens to prosecute the said Hotel Company for resuming the employment of the plaintiff for less than the minimum wage; and that the Act and order referred to deny to said Hotel Company its freedom of contract with the plaintiff and denies the right of the plaintiff to work for whom and at such wages as she pleases; and asks for an injunction to

restrain the Board from such prosecution on the ground that the law under which the Board is acting is unconstitutional in that it deprives the plaintiff of liberty and property without due process of law in contravention of the Fifth Amendment to the Constitution. (Rec., p. 18.)

Plaintiff below in each case secured a rule to show cause why the defendants should not be enjoined and restrained as prayed in the bills of complaint. (Rec., pp. 8, 24.) Defendants filed answers to the rules to show cause and motions to dismiss the bills of complaint. The Court entered decrees discharging the rules to show cause, denying the applications for preliminary injunctions, and dismissing the bills. (Rec., pp. 13, 26.)

On appeal to the Court of Appeals, that Court after hearing and rehearing entered orders reversing the decrees of the Supreme Court of the District and remanding the cases for further proceedings in accordance with the opinion of the Court of Appeals in the two cases. (Rec., p. 81.)

Thereafter each cause came on to be heard before the Supreme Court of the District, pursuant to the mandate of the Court of Appeals, and the defendants elected to stand upon the motion to dismiss and not to plead further. The Court, upon consideration of the bill of complaint and other pleadings, decreed that

the Act of Congress known as the District of Columbia Minimum Wage Law was invalid because in conflict with the Constitution of the United States and the amendments thereto, and enjoined the Board from enforcing or attempting to enforce the order of March 26, 1920. (Rec., pp. 15, 28.)

Thereafter at the January Term, 1923, the defendants, constituting the Minimum Wage Board, appealed from these decrees to the Court of Appeals of the District of Columbia, and filed motions to affirm or reverse. By order entered January 11, 1923, the Court of Appeals affirmed the decrees of the Supreme Court. (Rec., p. 83.)

On these appeals to this Court the question on the merits presented for decision is the constitutional validity of the Act of Congress authorizing and directing a board to fix wages for women in various employments in the District of Columbia and to punish by fine and imprisonment the paying of less wages than those fixed.

ARGUMENT.

I.

The Nature and Scope of the Law.

Before discussing the question of the consistency of the legislation in question with the Constitution of the

United States, it is desirable to advert to certain features of the law which will help to make clear its full purport and its scope and effect.

First: The law is a "price-fixing" law, pure and simple. It does not regulate businesses or working conditions, and by such means indirectly affect the cost of labor. It is not concerned with dangerous or unwholesome businesses, places of work, or machinery or appliances, nor is it concerned with fraudulent practices or the overworking of human beings. It is concerned solely with the amount of money involved in contracts of personal employment by which labor is exchanged for money or other forms of property. It requires the Board to fix the price of labor in certain employments in the District of Columbia. This fixing of price is its aim and object. Regardless of the wishes of the parties to the contract of employment, though they be of full age and able to contract, regardless of the skill of the employee or the need of the employer, regardless of the wealth or income of either party, this law requires a fixed minimum, set by a board, to be paid in the exchange of labor for money, and enforces such payment under penalty of fine or imprisonment, or both, imposed upon the employer who disobeys.

Second: The law is not a temporary measure to tide over an emergency. It is not designed to prevent

the stoppage or interruption of public business by requiring the maintenance of wages already agreed upon until the parties can agree, reasonably and in order, upon a new standard. It is a permanent policy of wage fixing in the common occupations of the community, applying to private employment and to private business.

Third: From the standpoint of the woman who desires employment, the law, by the provisions affecting her employer, may forbid her to work in the common occupations of the community in admittedly healthy and moral surroundings, although she is of full age, is able and willing and desires to work, is amply supplied with the necessaries or luxuries of life, and is offered employment suitable to her and at wages satisfactory to her. The law does not say that persons or corporations engaged in particular businesses must pay certain wages as a condition for continuing in that business—it does something more and different—it says that, as to all occupations where the Board sees fit to act, women shall not work in the District of Columbia except for prices fixed by law, while men may work for any prices they see fit. So the woman, willing and able to work in safe, moral and healthful surroundings and under safe, moral and healthful conditions, can not make a bargain with her employer that she may wish to make and he may be willing to make, but this

bargain must be made by the Minimum Wage Board or not at all.

Fourth: The law affects employers who are women as well as employers who are men. The order of the Minimum Wage Board in question in this case applies to every person who employs any woman in any lodging house, restaurant or cafeteria. This, of course, includes women who own or operate such restaurants, lodging houses and cafeterias, and forbids them to agree with their waitresses or female servants as to the daily, weekly or monthly wage that shall be paid for services. The law is thus not limited to the bargain between the male employer and the female employee, but applies to the bargain where both parties to it are women.

Fifth: The law requires the fixing of a vague and uncertain standard as a condition of the orders, which have the force and effect of law, and the violation of which constitutes a criminal offense. The standard is more vague and uncertain than anything probably in any law heretofore enacted, that is, a price for service that shall be "adequate" to supply the cost of living and to preserve health and to protect morals. What will supply the cost of living and protect health and morals can obviously be merely a matter of opinion. Manifestly, opinions on this subject will differ as between a colored girl working in the Con-

gress Hall Hotel and a member of a board who may have an income of many thousands of dollars a year. The Board is required, in fact, to do a vain and meaningless thing, for it can not establish a wage which will "protect health and morals" and afford a "living". It can merely give the average of three opinions against possibly thousands of differing opinions.

An interesting light is thrown on this aspect of the law when it appears that the same woman employed to clean dishes in a restaurant, finding that $16.50 per week is by law the least with which to supply the cost of living and protect her health and morals, discovers without leaving the house where she lives, without eating other or different meals or buying any different kinds of clothes, that from $9.00 to $15.00 a week only is necessary to supply the cost of living and protect her health and morals when she decides to leave the hotel and take up work in a laundry, for the Minimum Wage Board by its orders, which have the force and effect of law, provides a minimum wage of $16.50 per week for hotel workers and a minimum wage of $9.00 to $15.00 a week for laundry workers.

To summarize, the point emphasized in this analysis of the law, is that this legislation has as its direct object solely the fixing of the price in contracts for services by women in purely private employments, without regard to the safety or the health or moral

surroundings of the business or occupation or the time of beginning or leaving work or whether the hours are long or short, and without regard to the resources or income of the employees.

This legislation is aimed directly and solely at the price to be paid in the bargain between employer and employee, and the thing condemned as unhealthy, unsafe or immoral as a justification for legislative interference, is merely the price itself, and not the condition or surroundings where the employment is carried on.

II.

Outline of the Argument.

We come then to discuss the power of Congress to enact this legislation. Our contention is, to put it in brief form, that this wage law is unconstitutional because it is a price fixing law, directly interfering with freedom of contract, which is a part of the liberty of the citizen guaranteed in the Fifth Amendment, and our position is that no exercise of the police power justifies the fixing of prices either of property or of services—that *the amount of the charge* received or paid in the exchange of money for property or labor in private business can not *itself* be called a matter affecting the public health, morals or safety, and thus brought within the scope of the police power. If a

wage fixing law is constitutional, then it must necessarily be because the liberty and property clauses of the Constitution do not inhibit the fixing of prices everywhere for all articles and services that are the subject of bargaining, for there is and can be no distinction in principle between the power to fix a charge for services and the power to fix the prices for houses, chattels or goods of any kind. We believe it is settled by the decisions of this Court, interpreting the Constitution, that the permanent fixing of prices in private business is not within the power of the legislative body. The reason for this, as we believe has also been settled, is that the Constitution itself has laid down certain fundamental principles of economics in establishing private ownership of property and individual liberty; that these fundamental principles can not *themselves* be declared to be inimical to the public health, safety, morals or welfare, and changed under the guise of an exercise of the "police power."

In taking up in detail the authorities on the question, there will be discussed in their order three points:

First: By a long line of decisions it is now settled that the protection of liberty and property guaranteed in the Fifth and Fourteenth Amendments includes freedom of contract.

Second: That a general wage law, permanent in operation, applying to all or to particular industries

not affected with a public interest, is uniformly assumed or conceded in the decisions of this Court to be inhibited by the fundamental guaranties of liberty and property established in the Fifth and Fourteenth Amendments.

Third: That the inhibition against wage laws is not removed by having such laws apply to women alone and excluding men.

III.

The protection of liberty and property guaranteed in the Fifth and Fourteenth Amendments includes freedom of contract, embracing contract for personal services.

In numerous cases decided by this Court it has been determined beyond question that the provisions of the Fifth Amendment and the similar provisions of the Fourteenth Amendment declaring that no person shall be deprived of life, liberty or property without due process of law, guarantee to individuals freedom of contract, subject only to the exercise of the inherent power to protect the public health, morals, safety or welfare. This is so firmly established that it is not necessary to review the authorities at length.

In *Allgeyer* v. *Louisiana* (165 U. S. 578, 590), this Court quoting an earlier decision said:

> "The main proposition advanced by the defendant is that his enjoyment upon terms of equality with all others in similar circumstances of the privilege of pursuing an ordinary calling or trade, and of acquiring, holding, and selling property, is an essential part of his rights of liberty and property, as guaranteed by the fourteenth amendment. The court assents to this general proposition as embodying a sound principle of constitutional law."

In *Coppage* v. *Kansas* (236 U. S. 1, 14), this Court said:

> "Included in the right of personal liberty and the right of private property—partaking of the nature of each—is the right to make contracts for the acquisition of property."

Of course, the right to make contracts necessarily includes the right to make agreements for personal services, and this Court has many times so stated. In the case of *Coppage* v. *Kansas, supra,* the Court said, following the quotation above given:

> "Chief among such contracts is that of personal employment, by which labor and other services are exchanged for money or other forms of property. If this right be struck down or arbitrarily interfered with, there is a substantial impairment of

liberty in the long-established constitutional sense."

In *Truax* v. *Raich* (239 U. S. 33, 41), the Court said:

> "It requires no argument to show that the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was the purpose of the amendment to secure."

In the recent case of *Prudential Insurance Company* v. *Cheek* (— U. S. —; decided June 5, 1922), it was stated that this Court has affirmed the principle in recent cases:

> "That freedom in the making of contracts of personal employment, by which labor and other services are exchanged for money or other forms of property, is an elementary part of the rights of personal liberty and private property * * *."

This much is settled beyond dispute. These fundamental principles with reference to laws abridging the right of contract are well recognized and are not now open to argument.

These principles apply to legislation by Congress for the District of Columbia.

In *Callan* v. *Wilson* (127 U. S. 540, 550), Mr. Justice Harlan speaking for the Court, said:

> "There is nothing in the history of the Constitution or of the original amendments, to justify the assertion that the people of this District may be lawfully deprived of the benefit of any of the constitutional guaranties of life, liberty, and property."

In *Wight* v. *Davidson* (181 U. S. 371, 384), the Court speaking of an act regulating assessments on property in the District of Columbia, said:

> "No doubt, in the exercise of such legislative powers, Congress is subject to the provisions of the Fifth Amendment to the Constitution of the United States, which provide, among other things, that no person shall be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use without just compensation."

IV.

That a law fixing wages generally in private employment would be beyond legislative power is uniformly assumed or indicated in the decisions of this Court.

That a general wage law applying to private employment (and not to business of the state or business affected with a public interest) would be uncon-

stitutional as violative of the guaranties with reference to liberty and property, is generally recognized. Judge Cooley, in his Constitutional Limitations (seventh edition, p. 870), says:

> "In the early days of the Common Law it was sometimes thought necessary, in order to prevent extortion, to interfere, by royal proclamation or otherwise, and establish the charges that might be exacted for certain commodities or services. The price of wages was oftener regulated than that of anything else, the local magistrates being generally allowed to exercise authority over the subject. The practice was followed in this country, and prevailed to some extent up to the time of independence. Since then it has been commonly supposed that a general power in the state to regulate prices was inconsistent with constitutional liberty."

In Labatt, Master and Servant (2nd Ed., Sec. 846, p. 2285), it is said, referring to wage laws:

> "So far as regards work in which neither the state itself nor a political subdivision thereof is concerned, there can be no reasonable doubt that, even where the matter is not covered by any explicit provision in an organic law, a restrictive statute would, under the general principles of American constitutional jurisprudence, be treated by the courts as invalid, whatever might be the nature of the business affected."

Though the constitutionality of a wage law has not been directly passed upon by this Court, the question has been involved in many cases, and the Court has uniformly indicated that such laws would not be valid. In *Frisbie* v. *United States* (157 U. S. 160, 166), in an unanimous decision, the Court referring to the exercise of the police power and the undoubted right to forbid the sale of lottery tickets, to prevent all contracts by minors, to prevent contracts by common carriers releasing themselves from liability for negligence, said:

> "The possession of this power by Government in no manner conflicts with the proposition that, generally speaking, every citizen has a right freely to contract for the *price* of his labor, services, or property." (Italics ours.)

In *Coppage* v. *Kansas* (236 U. S. 1), a case relating to laws prohibiting contracts by which an employee agreed not to become or remain a member of labor organizations, this Court discussed at length the very question here in issue, and pointed out the reasons why restrictions on contracts between employer and employee, which are intended directly to benefit one party to the contract at the expense of the other and only incidentally to effect some purpose under the police power, but do not have directly (but only indirectly)

any relation to public health, morals, safety or welfare, cannot be upheld consistently with the guaranties of the Fourteenth Amendment.

The analogy is clear between the restriction of the terms of a contract of employment as to membership in a labor union and restriction as to the amount of the pay, for each is a direct interference with the agreement of the parties for the benefit of one party and not directly related to the public health, safety, morals or welfare. Indeed, the language used by the Court in *Coppage* v. *Kansas* (236 U. S. 1, 17) applies with even greater force to the price-fixing term in a contract, for while the restriction considered in that decision might result in financial benefit to one party, the fixing of wages directly and plainly makes a distribution of money as between the employer and employee. The language on the subject of such laws is as follows:

> "As to the interest of the employed, it is said by the Kansas Supreme Court to be a matter of common knowledge that 'employees, as a rule, are not financially able to be as independent in making contracts for the sale of their labor as are employers in making contracts of purchase thereof.' No doubt, wherever the right of private property exists, there must and will be inequalities of fortune; and thus it naturally happens that parties negotiating about a contract are not equally un-

hampered by circumstances. This applies to all contracts, and not merely to that between employer and employee. Indeed, a little reflection will show that wherever the right of private property and the right of free contract coexist, each party when contracting is inevitably more or less influenced by the question whether he has much property, or little, or none; for the contract is made to the very end that each may gain something that he needs or desires more urgently than that which he proposes to give in exchange. And, since it is self-evident that, unless all things are held in common, some persons must have more property than others, it is from the nature of things impossible to uphold freedom of contract and the right of private property without at the same time recognizing as legitimate those inequalities of fortune that are the necessary result of the exercise of those rights. But the Fourteenth Amendment, in declaring that a state shall not 'deprive any person of life, liberty or property without due process of law', gives to each of these an equal sanction; it recognizes 'liberty' and 'property' as coexistent human rights, and debars the states from any unwarranted interference with either.

"And since a state may not strike them down directly it is clear that it may not do so indirectly, as by declaring in effect that the public good requires the removal of those inequalities that are but the normal and inevitable result of their exercise, and then invoking the police power

> in order to remove the inequalities, without other object in view. The police power is broad, and not easily defined, but it cannot be given the wide scope that is here asserted for it, without in effect nullifying the constitutional guaranty."

In *Bunting* v. *Oregon* (243 U. S. 426), this Court had under consideration the "hours of service law" of Oregon. It was contended by the plaintiff in error that because of certain provisions relating to overtime the law in effect required the fixing of wages; by the defendant in error it was contended that the law was an "hours law" and not a "wage law". The Court held the law constitutional, pointing out with emphasis that this conclusion rested upon a finding that the law was not to be considered a wage law.

In the latest decision directly on the point, *Wilson* v. *New* (243 U. S. 332, the Adamson Law case), this Court very carefully dealt with the question. In that case the Court had before it a statute fixing an eight-hour working day for railway employees engaged in the operation of trains upon interstate railways and temporarily requiring that the then existing wages should continue until the parties could agree. This law was subjected to the test of the constitutional provision. It is important to note how this Court met the suggestion that the law was invalid be-

cause it required the continuance of wages already agreed upon. First this Court pointed out in clear and unambiguous language and at a number of places in the opinion that the law constituted a regulation of *business affected with a public interest.* At page 353, the Court said:

> "*there is no question here of purely private right* since the law is concerned only with those who are engaged in a business charged with a public interest * * * and which we have seen comes under the control of the right to regulate." (Italics ours.)

To make the matter more emphatic, the Court pointed out that this conclusion was reached by (page 353)

> "conceding that from the point of view of the private right and private interest as contradistinguished from the public interest the power exists between the parties, the employers and employees, to agree as to a standard of wages *free from legislative interference.*" (Italics ours.)

And next the Court said that this right to interfere in any way with the wage agreements even in a business affected with a public interest, was limited to (page 353)

> "the law-making power to protect the public right and create a standard of wages resulting from

> a dispute as to wages and a failure therefore to establish by consent a standard."

and this only *temporarily*, as an emergency measure, to prevent an obstruction of public business. The law, as the Court emphasized (page 345), was

> "not permanent but temporary, leaving the employers and employees free as to the subject of wages to govern their relations by their own agreements after the specified time."

This Court further pointed out and emphasized the distinction—"the very broad difference between the the two powers exerted"—between the permanent fixing of wages and the temporary continuance of wages already agreed upon until a dispute on public carriers could be settled; and finally to sum up and mark the limits of legislative power, the Court said (page 347):

> "It is also equally true that as the right to fix by agreement between the carrier and its employees a standard of wages to control their relations is primarily private, the establishment and giving effect to such agreed on standard *is not subject to be controlled or prevented by public authority.*" (Italics ours.)

And this was emphasized in the later "Adamson Law" decision, *Ft. Smith and Western R. R. Co.* v.

Mills (253 U. S. 206, decided June 1, 1920), where arose the question of the right of the employer and employee to agree upon wages in the exceptional circumstances occurring in the absence of dispute temporarily stopping the business of the railroads of the country and not affecting other roads so as to interfere with their operation and where the parties were willing to agree. The Court held that it would not break up the bargain between the employer and employee, saying (page 208):

> "We can not suppose that it was meant to forbid work being done at a less price than the rates laid down, when both parties to the bargain wished to go on as before and when the circumstances of the road were so exceptional that the lower compensation accepted would not affect the market for labor upon other roads."

All the Justices concurred in that ruling.

Thus, in these later cases, are the limits clearly defined. The utmost to which the legislative power extends is to provide for the *temporary continuance of wages in a business affected with a public interest,* and to prevent the stoppage of the public business until the parties can agree. Beyond this, the freedom of the employer and employee to agree upon wages "is not subject to be controlled or prevented by public authority."

The principles laid down in *Wilson* v. *New, supra,* were later applied by this Court in the case of *Block* v. *Hirsh* (256 U. S. 135, decided April 18, 1921), to the constitutional test of a law continuing rents in the District of Columbia during an emergency created by the war. While that case dealt with a rent law, and not with a wage law, the opinion of this Court is directly in point on the questions presented in the case at bar, involving as it did an interpretation of the Fifth and Fourteenth Amendments with relation to the power to fix prices by legislative action. While this Court held the Ball Rent Act for the District of Columbia valid, the ground of the decision and the limitations pointed out are so significant on the question now before this Court as to have controlling weight in the argument here presented. In discussing that case it is not necessary to detail the provisions of the Ball Rent Act. The point desired to be emphasized is that the law was declared to affect certain kinds of property in the District and to continue the rents of such property notwithstanding the expiration of terms (subject to regulation by commission, etc.), and this continuance was made necessary by emergencies growing out of the war embarrassing the Federal Government in the prosecution of the public business.

The first question before the Court was whether the law could be considered as regulating a business affected with a public interest so as to come fairly within the reason of the decision in the Adamson Law Case. Whatever may have been the divergent views as to whether the renting of property could be considered a business affected with a public interest, the majority of this Court held that it could be and was, and based the first proposition of its decision on that ground. But even so, the fixing of prices, the Court held, would be within the power of Congress *only as a temporary emergency measure.* The language of the Court on this subject was emphatic. It was said (p. 157):

> "The regulation is put and justified *only* as a temporary measure." (Italics ours.)

It was sustained only as a temporary measure on authority of *Wilson* v. *New, supra,* the Adamson Law Case above referred to. But to put the matter beyond doubt and to leave no misunderstanding as to the furthest limit to which the decision went, this Court said:

> "A limit in time, to tide over a passing trouble, well may justify a law *that could not be upheld as a permanent change.*" (Italics ours.)

There was a difference of view as to whether the law could be upheld even as a temporary measure, but the inference is irresistible that all agreed that it could not be upheld as a permanent change.

The "temporary emergency" feature of the Rent Laws as ground of decision was again amphasized by this Court in the recent case of *Pennsylvania Coal Company* v. *Mahon* (No. 549, October Term, 1922, decided December 11, 1922), where the comment was made not only as to the Ball Rent Act case, but as to the Rent Law cases coming from New York, the Court adding, (after referring to the emergency nature of the laws as justifying the decisions), that "they went to the verge of the law."

There is in the case at bar, of course, no element of the exceptions referred to. The Minimum Wage Law is not a temporary emergency measure, but is a permanent change. It concerns the right to work in the common occupations of the community, and, of course, is not a regulation of public business or business affected with a public interest.

So far as the argument on authority is concerned, we are bound to conclude from decisions of this Court interpreting the Constitution, that a permanent wage law applying to private individuals in any employment would be unconstitutional as beyond the definite limits of legislative power as defined in the Fifth and Fourteenth Amendments.

V.

There is a clear distinction between "hours of service" and similar laws directly promoting health or safety or preventing fraud and only indirectly affecting the cost or remuneration of labor, on the one hand, and on the other hand "wage laws," directly fixing the price in the bargain between employer and employee, whatever may be the indirect or remote effect intended to be secured.

Laws regulating erection of dangerous or unsafe structures or limiting work in underground mines or restricting hours of labor, etc., are measures directly promoting health, securing safety or preventing fraud. They rest upon the inherent power of the state to secure the public welfare by protecting the public health, morals and safety. They may or may not affect indirectly contractual relations between individuals or cause loss to one or gain to another. If they do, that is a secondary result, which is not the "evil" aimed at. The unhealthy condition, the danger to safety, the probability of fraud, are the evils aimed at and directly dealt with. That such laws may indirectly or remotely affect the use of property by some individuals is beside the point. An individual's desire to use his own property according to his own whim cannot stand in the way of such protection of the state itself and

the body politic, for such laws are consistent with the private ownership of property as sanctioned in the Constitution. But to take the property of A and give it to B, C and D is fundamentally different, even though by enriching B, C and D, their health or morals might be promoted indirectly. Laws which would transfer the money of one individual to another or fix the amount of money to be given in exchange for property, cannot have any real or direct relation to health. The possession of ordinary property, much or little, cannot fairly be said to be inimical to health, or if it is, then the fundamental guaranties of individual rights secured in the Constitution, which sanction the private ownership of property, are themselves inimical to health; but, of course, this cannot be under our form of government. The mere restriction of liberty or property—the very thing inhibited by the Constitution—cannot itself be denominated "public welfare."

The distinction we have pointed out has been recognized by this Court in an elaborate opinion on this subject. In *Coppage* v. *Kansas*, 236 U. S. 1, after referring to the numerous and familiar cases in which the police power has been held properly exercised to protect the health, safety, morals, or welfare, such as limiting employment of workers in underground mines, as sustained in *Holden* v. *Hardy* (169 U. S. 366), and forbidding contracts limiting liability for in-

juries by railroads, as sustained in *Chicago, B. & Q. R. Co.* v. *McGuire* (219 U. S. 549), this Court said (page 18):

> "An evident and controlling distinction is this: that in those cases it has been held permissible for the states to adopt regulations fairly deemed necessary to secure some object directly affecting the public welfare, even though the enjoyment of private rights of liberty and property be thereby incidentally hampered; while in that portion of the Kansas statute which is now under consideration—that is to say, aside from coercion, etc.—there is no object or purpose, expressed or implied, that is claimed to have reference to health, safety, morals, or public welfare, beyond the supposed desirability of leveling inequalities of fortune by depriving one who has property of some part of what is characterized as his 'financial independence.' In short, an interference with the normal exercise of personal liberty and property rights is the primary object of the statute, and not an incident to the advancement of the general welfare. But, in our opinion, the Fourteenth Amendment debars the states from striking down personal liberty or property rights, or materially restricting their normal exercise, excepting so far as may be incidentally necessary for the accomplishment of some other and paramount object, and one that concerns the public welfare. *The mere restriction of liberty or of property rights cannot of itself be denominated 'public welfare',*

> *and treated as a legitimate object of the police power; for such restriction is the very thing that is inhibited by the Amendment.*" (Italics ours.)

The court added in that case that it was clear a statutory provision which was not a legitimate police regulation could not be made such by being placed in the same act with the police regulations and by being enacted under a title which declared a purpose which was a proper subject of the police power.

The same distinction was set forth in a single sentence by Mr. Justice Brewer speaking for the Court in *Frisbie* v. *United States*, 157 U. S. 160, 166. After reviewing the numerous instances in which the police power has been validly exercised—such as laws forbidding sale of lottery tickets, laws forbidding contracts by persons not *sui juris*, laws restricting common carriers from releasing themselves from liability for negligence and so forth, he tersely differentiated such exercise of power from "price fixing":

> "The possession of this power by Government in no manner conflicts with the proposition that, generally speaking, every citizen has a right freely to contract for the *price* of his labor, services, or property." (Italics ours.)

The case we have just referred to was the unanimous decision of this Court and is one of the

leading cases on the question. The language quoted was a careful summary of the precise subject with which we are concerned, and was used in connection with a law fixing prices—the only kind of price fixing law in private employment as a permanent policy that has ever been sustained by this Court as within the power of Congress or the State legislatures. And that was a law limiting the price that should be charged for services in prosecuting a claim for pensions against the government itself, and this price fixing was sustained solely on the ground that a pension being a bounty granted by the Government, Congress, being at liberty to give or withhold pensions, had the undoubted power to prescribe the conditions under which claims should be prosecuted—not on the ground that this was for the public health, morals, safety or welfare, but because a gift by the Government was not restricted by constitutional guaranties of liberty and property, as clearly it would not be.

If, under our system of government, with its constitutional guaranties, the law-making body may, as to a purely private business, forbid employment at certain times in dangerous occupations, and may limit the hours of labor in underground mines, etc., or in any other employment where deemed necessary (regulations which admittedly may result in restricting to some extent the terms and conditions of contracts

of employment), why may not the law-making body also fix the *price* that shall be paid by the employer to the employee, which would also affect the terms and conditions of the contract of employment? *The answer is found in a consideration of the nature of the respective regulations.* Forbidding employment in dangerous businesses and regulating the hours of labor are valid exercises of the police power because the legislative body has determined that the business is unhealthy or the hours too long for health, and consequently such regulations have a direct relation to the public health or morals. But the holding of property (that is private ownership of property) and the sale of property or the price charged cannot themselves be said to be unhealthy or immoral. Laws fixing prices in the bargains between individuals are intended to change the rules for the distribution of wealth. They are attempts to correct the inequalities of fortune which follow inevitably from the very form of government which we have — a form which recognizes private ownership of property and personal liberty; they are attempts to alter the economic principles embodied in the Constitution itself, on the ground that the operation of those very principles is itself inimical to the public health, morals and safety. This cannot be done without an amendment of the Constitution.

While the right of private ownership of property is recognized in the Constitution itself, manifestly the law-making body cannot make all property common, on the ground that private ownership is dangerous to the public morals, health, safety or welfare, and that the making of all property common is but the exercise of the police power of the State. In our form of government, the State may, for example, forbid the erection of frame houses in thickly populated communities which may cause disastrous fires, or may require all buildings of a certain size to be equipped with fire escapes, but the State cannot determine for the individual owner what such buildings shall sell for, how much profit he must take, or how much loss he must suffer. The State may forbid the use of buildings for certain purposes which are deemed injurious to the public health, safety or morals; but if the private ownership of property is to be permitted, it cannot fix the price that shall be charged for the use, even though the price fixed by law would tend to prevent the use, and thus indirectly affect the public health, safety, or morals. A man must so use his own property as not to injure his neighbor's. But the price he sells it for does not "injure" his neighbor.

The reason why price-fixing and wage-fixing are not within the power of the law-making body is that they are efforts to alter economic laws which are recog-

nized as legitimate in the Constitution itself. Police power is broad, as has been many times said, but it must be exercised under the Constitution. It cannot be exercised to amend the Constitution or to change the form of government. (*Pennsylvania Coal Co.* v *Mahon,* No. 549, October Term, 1922, decided December 11, 1922; *Truax* v. *Corrigan,* 257 U. S. 312.)

VI.

If laws fixing prices or wages generally are inhibited by the constitutional guaranties because they are unwarranted interferences with freedom of contract the inhibitions are not removed by having such laws apply to women only and excluding men.

If a law fixing prices or wages is not a health law at all—because the mere freedom to determine the amount that shall be charged in the exchange of property or services for money cannot itself be dangerous to health, morals or safety—then manifestly it is not a health law for women any more than it would be for men. The distinction between those rights secured by fundamental law which are guaranteed to men and women alike, free in equal measure from any restriction and those whose exercise is subject to varying restrictions because of differences between the sexes is

not impossible to draw. Of course men and women hold their property subject to a proper exercise of the police power. And in the exercise of this power, there are necessarily differing conditions to be met requiring different treatment. One of these differences is that of sex. Requirements as to the equipment of factories, for example, might well be different where women are employed than they would be where men are employed. This is not because the legislative body is without *power* to regulate certain conditions of work (so as to promote the public health, safety or morals) as to men, but has the power as to women; for it has such power for the protection of men and for the protection of women. But it is obvious that cases arise where the need of the protection of the character provided differs because of differences in the sexes or may be needed for women to a greater degree than for men or may be more necessary for the one than for the other. But the fact that this difference exists in the kind, extent or character of the protection afforded by laws passed under the power to protect the health, morals or safety of both men and women does not mean that the constitutional guaranties are withdrawn from either men or women or extend to one and are withheld from the other because of differences between the sexes.

No better example can be given than in the case of "hours of service" laws. Because of her physical nature woman cannot stand the strain of long hours that the man can stand with due regard to health. So, as to work at night or in dangerous occupations there are differences in the need of protection to health, safety, or morals too obvious to need comment. But in such matters we are clearly within the domain of the police power. The differences are differences which the legislature in its discretion in exercising an admitted power may reasonably choose. Hours of service laws obviously constitute exertions of the police power. They have been sustained as to women, *Muller* v. *Oregon* (208 U. S. 412), but they have also been sustained when applying to men, *Bunting* v. *Oregon* (243 U. S. 426).

In determining the legislative discretion and finding whether there is an abuse of an admitted power, of course it is proper to consider the reasonableness of the law and in this connection the physical nature of those to whom the law applies is a factor in the discussion. The hours of service provided in a particular instance and under some circumstances might be reasonable—not an abuse of discretion—when applied to women workers while it might be unreasonable when applied to men. The difference between the sexes may well justify a different rule respecting hours of labor.

And it has been so held, *Muller* v. *Oregon*, 208 U. S. 412, 418. But the Court was careful to point out in this connection the following:

> "It thus appears, that putting to one side the elective franchise, in the matter of personal and contractual rights they (women) stand on the same plane as the other sex. Their rights in these respects can no more be infringed than the equal rights of their brothers."

In their rights to the operation of economic laws affecting the distribution of wealth as fixed by the Constitution itself, there are, of course, no differences between the privileges and immunities of men and those of women. Both are protected by the constitutional guaranties sanctioning the private ownership of property and the liberty of the individual, just as much so as men and women are equally protected by constitutional provisions forbidding conviction and punishment without trial. A law authorizing the seizure of property without just compensation would be obnoxious to the Federal Constitution, whether the owner of the property was a man or a woman. Such an act cannot escape condemnation because it affects only the property of women, even though the law making body might come to the conclusion that it was injurious to the health of the women in some communities to be

burdened with the responsibility of ownership of property. Freedom of contract is secured both to men and women. Both hold that freedom subject to those reasonable restraints which directly affect health, morals, safety or welfare, although indirectly affecting contractual rights. But each possesses contractual rights "free from legislative interference" which would directly strike down the right of contract and only remotely or indirectly secure thereby some purpose concerned with the public health, morals, welfare, safety, etc.

A law forbidding employers to fix as a term in the contract of employment, non-membership by the employee in labor organizations would be invalid as this Court has held; but manifestly it would be just as invalid if it applied to women, as well as to men—as doubtless the law in question did.

A law forbidding employers to contract for the employment of more than a certain percentage of aliens would be invalid as has been held; but it would be invalid applying to women as well as to men.

So a law fixing prices of property would be invalid; but the principles which make it invalid, make it invalid equally as to women and as to men.

So of laws fixing the price of services—wages.

A wage law is not a "health law" (in the sense in which those words are used when speaking of the

exercise of the police power) either for men or for women, because the mere naming of a price in any bargain cannot be said to affect directly the health, morals or safety. This is true of all price fixing laws, but it may be demonstrated in the case of this Minimum Wage Law as well as in that of any other similar restriction upon the right of contract.

It is said that it is necessary to the health and morals of women that they have enough to live on, and this is epitomized by saying that women are entitled to a "living wage". But this expression means and can only mean that women must have, for the protection of their health and morals, a "living income", that is, they must possess sufficient for their food, lodging, clothing, etc.; but this is true also of every human being. It is so obviously not confined to women but extends also to men that it is specious to suggest the contrary. But it does not follow from this, that those who have more than a living income can be compelled by law to hand over a part of that income directly to those who have less. This Government does not operate in that way. It may be conceded that it would be better for the world if there were no poor, and that it would be better for the poor if they were not poor. That does not mean, however, that their neighbors, their friends, their landlords, their employers, their employees, or their fellow servants,

can under our form of government, be compelled to contribute to their support. If they are in need of charity, the state, of course, has the power to help them and levy taxes upon all equally for this purpose, or individuals more fortunately situated may voluntarily, out of their abundance, give to them. But it is voluntary; it can not be made a criminal offense not to make the contribution.

The redistribution of wealth in this country so that all might receive the same or approximately the same income may seem desirable to some, but it requires no reasoning to show that it can not be done under the limitations of our written Constitution—certainly, not by directly requiring A to give a part of his property to B. It can not be done by calling the law which would accomplish it a "health law," a "moral law," a "safety law," or a "welfare law". There is no such magic in the "police power."

And if inequalities of fortune, resulting from the sanction of private property and liberty in the very terms of our Constitution, can not be leveled by distributing the wealth of the country to all in equal proportions, it can not be done partially or indirectly by requiring each to give to another at least the amount that some authority selected for the purpose might opine is "adequate", "sufficient" or "desirable".

The state is not without authority to deal with the

situation of the poor and needy. The ways are well known and are in operation in every community in the country and by the National Government and every State and every subdivision of a State. *But individuals can not have some particular income, enforced by law, from other individuals.* This is because there are individual rights with which such enforcement would conflict. These rights are higher, more important, more fundamental; they are essential to our form of government as distinguished from that form of government in which the right of private ownership of property is abolished. They are rights graven in our bill of rights—the rights of life, liberty and property, which stand at the base of our governmental structure.

But this Minimum Wage Law, as any other wage law of its kind, whether for men or for women, does not assure to anybody a living income. It does not even deal with the minimum amount of money that a woman is to have for her support. It deals solely and only with the *amount which one individual must transfer to another individual,* regardless of the latter's riches or poverty or means of support or lack of them.

That the wage law merely secures the fixing of prices, regardless of the amount of the individual's necessities, is shown by the operation of the law. The Minimum Wage Board, after an investigation, fixes

the wages of hotel, boarding house and hospital employes at $16.50 per week. This is said to be due to the fact, (and this is the only excuse given for the particular amount) that $16.50 a week is the *minimum amount* which will protect the employes' health and morals; and it fixes this amount for hotel workers; and then the same Board decides that from $9.00 to $15.00 a week is the *minimum amount* that a woman can live on with due regard to her health and safety, and fixes these amounts for the *laundry workers.* Any given employee may well be employed in either position. The same woman having the same needs, living in the same house and eating the same food, manifestly can not have a *minimum* need of $16.50 a week and at the same time a *minimum* need of $9.00 to $15.00 a week. There is nothing inherent in the laundry business by which its workers automatically receive outside help in an amount making up the difference between $9.00 a week and $16.50 a week.

The only conclusion to be drawn from the fixing of different wages for women workers is that the Board simply decides how much the hotel or the laundry or the boarding house ought to pay and must pay, whatever the condition of their women workers. The Board, to the extent to which it acts, *simply distributes wealth as between the employer and employee.*

Again, if a woman worker having in mind her own

health, safety, morals or welfare, desires to take less wages and better food and lodging than she could otherwise secure, this law forbids her to do it. If she wishes to secure—as she might if she works in a boarding house—all the comforts necessary to a decent living, her room, her board and her clothing, and in consideration of these, less wages, the orders of the Minimum Wage Board make the bargain a crime. For the Board has anticipated such a possibility and *fixed the price of meals* at thirty cents per meal and fixed *the price of lodging* at $2.00 per week, if these are furnished to an employee and requires that the wages of $16.50 per week less these deductions only, must be paid when meals and lodging are furnished. Such a bargain between a woman and her employer would be but the exercise of the privilege which belongs to the liberty of the individual. There is no general good under our law to be secured by taking away from men or from women the mere *right to bargain*.

Again, if a woman having an income "adequate" to protect her health, or morals, desires to add to that income by engaging as a nurse at the Children's Hospital for what the institution is willing to pay, this law forbids it—makes it a criminal offense punishable by fine or imprisonment or both, for any director of the Children's Hospital to agree to such an arrangement. Is there such a difference between men and women as

that it can be said in one breath that the enjoyment of such a privilege as that, if claimed by a man, would not in any way directly affect his health or morals and in the next breath that, if claimed by a woman, it would be dangerous to her health and morals?

The right to work for a living in the common occupations of the community is the right of all citizens under our government. As stated by this Court "it is of the very essence of the personal freedom and opportunity that it was the purpose of the amendment to secure", (239 U. S. 41.)

It is a right given both to men and to women. It cannot be true that the moment the woman leaves the home to engage in trade or work and exercises such right, she thereby loses the protection of fundamental guaranties in the Constitution.

> "The right of a person to sell his labor upon such terms as he deems proper,"

says Mr. Justice Harlan in *Adair* v. *United States*, 208 U. S. 161, 174,

> "is, in its essence, the same as the right of the purchaser of labor to prescribe the conditions upon which he will accept such labor from the person offering to sell it. So the right of the employe to quit the service of the employer, for whatever reason, is the same as the right of the employer, for whatever reason, to dispense with the services

> of such employe. * * * In all such particulars the employer and the employe have equality of right, and any legislation that disturbs that equality is an arbitrary interference with the liberty of contract *which no government can legally justify in a free land.*" (Italics ours.)

This emphatic statement of the fundamental rights secured by the Constitution was surely not intended to be limited to men and to exclude women.

VII.

Answer to the contentions of appellants.

(1) As to the contention that this Court must consider only the reasonableness of the law so as to determine whether it is arbitrary, wanton or spoliative, and cannot consider the power of Congress to deal at all with the subject.

The first contention of counsel for appellants is that the Court in passing upon the constitutionality of a law, purporting to be the exercise of the "Police Power," must necessarily examine into the question of the reasonableness, desirability, and popular opinion of the law, and if it finds that reasonable men could have come to the conclusion that the law was needed or desirable, the law at once becomes a proper exercise of the "Police Power," and valid, because,

as counsel contends, the determination as to whether a law is desirable or necessary rests exclusively with the law-making body in the absence of such arbitrary action as could not have been taken by reasonable men.

This argument has no application to a case of the kind here before the Court.

Where the Court is dealing with a law clearly *within* the domain of the "Police Power" (such as a law regulating the erection of dangerous or unsafe structures or a law limiting work in underground mines or restricting hours of labor, etc.), the legislative determination of the necessity for such a law and the measures to be adopted and the extent to which the remedy shall go, is final and conclusive, if the law could in any way be considered a reasonable exercise of the admitted power. In such a case, it is necessary to consider the evidence showing the extent of the evil and other information presented to the legislative body so as to see that the legislative determination was reasonable. This is because even the "Police Power" cannot be exercised by legislation that is spoliative and oppressive. In such a case, the question before the Court is whether the law, though within the domain of the "Police Power" is so oppressive and unwarranted as to be an unreasonable exercise of that power and an abuse of it. And in such a case, manifestly it is the

duty of the Court to give every presumption to the legislative determination.*

But where, as here, the question is not whether the legislative body, acting clearly within the domain of the "Police Power," has exceeded its discretion, but *whether the law is within the domain of the "Police Power" at all*, a very different rule as to the function of the Court prevails. In such a case the Court must determine for itself whether the law really constitutes an exertion of the "Police Power." On this question the evidence as to the desirability or expediency of such a law cannot control the decision. Even the legislative declaration that the law *is* an exercise of the "Police Power" does not make it so nor conclude the Court. To take an extreme case, suppose Congress (as it did) provided by law for an income tax upon all individual incomes, before the Sixteenth

*An example of such a case is *Holden* v. *Hardy*, 169 U. S. 366. In that case the Court had before it an act regulating hours of employment in underground mines. That law was clearly an exercise of the "Police Power." The question was, however, whether the legislation was so oppressive and unjust as to be invalid *as an exercise of the power*. The Court, after stating that there were limitations upon the exercise of the power of the Legislature to preserve the public health, safety, morals, or welfare, added that

> "a large discretion is necessarily vested in the legislature to determine, not only what the interests of the public require, but what measures are necessary for the protection of such interests."

And so the Court reviewed the desirability and necessity for such legislation, giving every presumption to the legislative determination, and found that it could not be considered an unreasonable exercise of the admitted power.

Amendment. Doubtless voluminous statistics were examined by Congress in considering such a law, and doubtless the law was considered by Congress to be for the public good, but the Court was not precluded from examining into the question as to whether such a law was valid because the law-making body had previously determined that it was reasonable. Clearly, also, such a law would not have been made valid and constitutional had Congress declared in express terms that it was enacted in the interest of the public health, morals, safety or welfare. Such a law was invalid because it transcended the power of Congress, being a direct tax not apportioned. It was invalid regardless of the statistics which justified it or the popular opinion which upheld it. Such opinion could be carried into effect only by an amendment to the Constitution. (*Pollock* v. *Farmers Loan & Trust Co.*, 157 U. S. 429; *Bailey* v. *Drexel Furniture Co.*, No. 657, October Term, 1921.)

A statute, taking the property of A and giving it to B—which would everywhere be admitted to be beyond the legislative power—would not be aided by a showing that the law-making body had examined a mass of evidence before passing such a law, and that statistics had convinced it that such a law was desirable. Such an enactment is contrary to the fundamental principles

in the Constitution, and could not be valid under our form of Government.

An example of a law thus beyond legislative power, is found in the statute of Kansas passed upon by this Court in *Coppage* v. *Kansas*, 236 U. S. 1, which made is a criminal offense for any employer to put in the term of the contract of employment a clause providing that the employee should not join or remain a member of a labor organization. That law had for its direct and primary object the striking down of the freedom of contract, on the ground that such freedom of contract in that instance was itself inimical to the public health, morals, safety or welfare. It did not regulate conditions of work or limit work in unhealthy conditions. It attacked the contract between employer and employee, so as to give some advantage to one side. It did so on the theory that the public welfare was in danger by permitting freedom of contract between employer and employee. The question before the Court was whether such law was within the domain of the "Police Power," and the Court had the duty of determining that question independently of the desirability and popular opinion of such law, and the Court held the law was not within the domain of the "Police Power."

As to the effect of the declaration of the Legislature itself that the Act was an exercise of the "Police Power," the Court said (p. 15):

> "It seems to us clear that a statutory provision *which is not a legitimate police regulation* cannot be made such by being placed in the same act with a police regulation or by being enacted under a title that declares a purpose which would be a proper object for the exercise of that power." (Italics ours.)

In that case there was doubtless shown that the Legislature of Kansas had before it a mass of statistics as to the advantage to health, morals, and public welfare, of the building up of organizations of working men. Doubtless there was urged also the general approval of such interference by the State with the relations between employer and employee. It appeared also that statutes like the one before the Court had been passed in California, Colorado, Connecticut, Indiana, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Porto Rico, and Wisconsin. But this Court answered, in effect, that it was not called upon to approve or question the right of individuals to join labor unions nor the legitimacy or advantages of such organizations; in other words, that the argument was beside the question.

It was urged that the emloyees as a class were at a disadvantage in making contracts because they were not financially able to be as independent as their em-

ployers, and that it was necessary for the State to step in and aid one party to the contract. To this the Court answered that the contention merely meant that the State should step in to level inequalities of fortune where deemed desirable, but under our Constitution the State could not do this, because inequalities of fortune were recognized as legitimate in the very provision of the Constitution that guaranteed the right of private ownership of property. Said the Court (p. 17):

> "It is from the nature of things impossible to uphold freedom of contract and the right of private property without at the same time recognizing as legitimate those inequalities of fortune that are the necessary result of the exercise of those rights."

To the argument that it was necessary in order to build up and strengthen organizations of employees for the State to throw its weight in the balance between employers and employees (an argument strikingly similar to that made in the case at bar), the Court, in effect, answered that this the State had no power to do under our Constitution, however desirable such help might be independently of the Constitution; and finally the Court, answering the question before it, as to whether or not the Act constituted an exercise

of the "Police Power," in holding that it did not, said (p. 19):

> "The mere restriction of liberty or of property rights cannot of itself be denominated 'public welfare' and treated as a legitimate object of the Police Power; for such restriction is the very thing that is inhibited by the amendment."

So, in *Truax* v. *Raich* (239 U. S. 33), this Court having before it the question of the validity of a law of the State of Arizona, forbidding any employer having more than five workers to employ less than eighty per cent, native born citizens, held such act to be invalid, regardless of the desirability of such a law under the conditions existing at the time in Arizona, regardless of the statistics which were deemed to justify it in the minds of the Legislature, and regardless of the argument that the measures adopted were appropriate to meet the conditions (inasmuch as all employers were allowed to employ as much as 20% of aliens). As is clearly apparent from the opinion, the question was not as to the desirability of such a law or whether it was an abuse of an admitted power, but whether there was authority under the Constitution thus to strike down the freedom of contract of employment. "We have frequently said," answered the Court (p. 43), "that the Legislature may recognize degrees of evil

and adapt its legislation accordingly, but underlying the classification is *the authority to deal with that at which the legislation is aimed.*"

So the contention made in this case by counsel for appellants, that the Court, in determining whether the act in question was an exercise of the "Police Power," must necessarily sustain the act if statistics before Congress were such as to show that reasonable men could believe such a law to be necessary or desirable for the public welfare, completely ignores the well considered decisions of this Court on this subject. It is unsound in a case of this character. It is simply another way of saying, what doubtless is the logical result of the views set forth, that the Courts have no right to set aside an act of the law-making body in any case. For if, as is contended, the Constitution is so elastic as that every law is within the discretion of Congress and that the Courts cannot find that this discretion has been abused, unless reasonable men could not come to the conclusion that the law was necessary or desirable, then there would be an end to the supremacy of the Constitution over the laws, and the duty of the Court to enforce the mandate of the supreme law. But such is not the character of our Constitution. "To what purpose", says Chief Justice Marshall, in *Marbury* v. *Madison* (5 U. S. 137), "are powers limited, and to what purpose is that limitation

committed to writing, if these limits may, at any time, be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished, if those limits do not confine the persons on whom they are imposed."

The views of this Court on this subject are exactly contrary to those set forth so insistently by counsel for appellants. When the question is, whether the legislative body has exceeded its authority (not whether it has abused its discretion), the courts are at liberty, and "indeed, are under a solemn duty" to determine independently whether the authority has been transcended. "If, therefore", said Mr. Justice Harlan, in *Mugler* v. *Kansas* (123 U. S. 623), "a statute purporting to have been enacted to protect the public health, the public morals, or the public safety, has no real or substantial relation to those objects, *or is a palpable invasion of rights secured by the fundamental law*, it is the duty of the courts to so adjudge, and *thereby give effect to the Constitution.*"

The suggestion in general terms that the Constitution is flexible is unsound. Conditions which the principles in the Constitution govern may change, and the Constitution is broad enough to meet the new conditions without altering the fundamental principles. But the principles themselves are immutable—they do not stretch or change; they are not elastic.

As said by this Court in *Truax* v. *Corrigan* (No. 13, October Term, 1921), quoting Mr. Justice Brewer in *Muller* v. *Oregon* (208 U. S. 412):

> "It is the peculiar value of a written constitution that it places in unchanging form limitations upon legislative action and thus gives a permanence and stability to popular government which otherwise would be lacking."

More fallacious still is the suggestion that the "Police Power" is flexible *in the sense that any legislative action desired may be included within it.*

Laws of the kind here under consideration bring us to the parting of the ways. If every law which expediency may suggest is to be called a "health law" or a "public morality law," or a "public welfare law," and thus becomes an exercise of the "Police Power," the constitutional limitations break down, and no action of the legislative body is in any way restricted by the positive guaranties in the fundamental law. This is not our form of government. To hold that it is, is to take the path that leads to the absolute supremacy of the temporary legislative body as against the fixed principles written into the Constitution as the very foundation of our government. The other path is the path that leads to an adherence to the fundamental principles, on the theory that their mainten-

ance is more important than the ease of remedy for a temporary undesirable condition.

The answers to the argument of counsel for appellants are sanctioned by the decisions of this Court in leading cases. Mr. Justice Holmes, in delivering the opinion of this Court, in *Pennsylvania Coal Company* v. *Mahon* (No. 549, October Term, 1922, decided December 11, 1922), referring to the protection of private property in the Fifth Amendment, said:

> "When this seemingly absolute protection is found to be qualified by the police power, the natural tendency of human nature is to extend the qualification more and more until at last private property disappears. *But that cannot be accomplished in this way under the Constitution of the United States.*" (Italics ours.)

And again:

> "We are in danger of forgetting that a strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way of paying for the change."

In that case the Court held unconstitutional a statute of Pennsylvania forbidding the mining of anthracite coal in such a way as to cause the subsidence of any structure used as a human habitation—a statute which

would destroy previously existing rights of property and contract.

In the recent case of *Bailey* v. *Drexel Furniture Co.* (No. 657, Oct. Term, 1921), the Chief Justice, delivering the opinion of the Court on the question of the constitutional validity of the Child Labor Tax Law, said:

> "The good sought in unconstitutional legislation is an insidious feature because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant or the harm which will come from breaking down recognized standards."

In *Truax* v. *Corrigan, supra,* this Court, speaking of a law of Arizona limiting injunctions in labor disputes between employers and employees, said:

> "Classification like the one with which we are here dealing is said to be the development of the philosophic thought of the world, and is opening the door to legalized experiment. When fundamental rights are thus attempted to be taken away, however, we may well subject such experiment to attentive judgment. The Constitution was intended—its very purpose was—to prevent experimentation with the fundamental rights of the individual."

It may seem desirable on some occasions to interfere with the bargains of individuals in private business, in order to give one party or the other some advantage that he would not otherwise possess. But the maintenance of the principle of liberty and freedom of contract is more important, and therefore more desirable. It might be thought by some to be better to leave the will of the legislative body unrestrained by fixed principles of government, but it was thought best by the framers of the Constitution that this should be a "government of laws and not of men."

(2) As to the contention that the consequences of sustaining the power to enact such a law cannot be considered.

The next proposition of counsel for appellants is that the Court, in passing upon the constitutionality of the Minimum Wage Law, cannot consider the consequences of adopting the rule or principle of law which would sustain this legislation. Stated in another way, the proposition is, that the Court must not lay down any rule or principle at all, and must not apply any rule or principle, and must not contemplate the effect of its decision as a precedent in interpreting rights under the Constitution.

This theory (if we correctly interpret it) is wholly at variance with the decisions of this Court in cases involving the constitutional validity of laws of Congress or the States.

For example, in *Adair* v. *United States* (208 U. S. 161), this Court had before it the question of the constitutionality of an Act making it a criminal offense for any employer on railroads to require of employees as a condition of employment that the employee should agree not to become or remain a member of labor organizations. That law was claimed to be invalid as a deprivation of "liberty and property" guaranteed by the Fifth Amendment. It was urged to the Court, as showing the far-reaching effect of the principle necessary to sustain such a law, that if Congress had the power under the guise of a regulation of commerce to forbid railroad employers to make as a condition of employment non-membership in a labor union, then by the same reasoning Congress would have the power to require that railroads should employ *only* members of labor unions or only non-union men — which would clearly be inconsistent with the Constitution. That argument this Court *fully considered in passing upon the law,* and at page 179 the Court said:

> "If such a power exists in Congress it is difficult to perceive why it might not, by absolute regulation, require interstate carriers, under penalties, to employ in the conduct of its interstate business only members of labor organizations, or only those who are not members of such organizations—a power which could not be recognized

as existing under the Constitution of the United States."

Again, in *Truax* v. *Raich* (239 U. S. 33), where the Court had under consideration the law of Arizona, previously referred to, restricting the employment of aliens, it was urged to the Court that the provisions of the particular act under consideration allowed the employment of aliens in all employments where there were only five workers or less, and employment of aliens to the extent of twenty per cent of the total in all employments where there were more than five workers, and, therefore, under the conditions existing in the State this did not seriously interfere with employment at all. To this argument Mr. Justice Hughes answered (p 42):

> "It is insisted that the act should be supported because it is not 'a total deprivation of the right of the alien to labor'; that is, the restriction is limited to those businesses in which more than five workers are employed, and to the ratio fixed. It is emphasized that the employer in any line of business who employs more than five workers may employ aliens to the extent of twenty per cent of his employes. But the fallacy of this argument at once appears. If the State is at liberty to treat the employment of aliens as in itself a peril requiring restraint regardless of kind or class of

work, it cannot be denied that the authority exists to make its measures to that end effective. Otis *v.* Parker, 187 U. S. 606; Silz *v.* Hesterberg, 211 U. S. 31; Purity Co. *v.* Lynch, 226 U. S. 192. If the restriction to twenty per cent now imposed is maintainable the State undoubtedly has the power if it sees fit to make the percentage less. We have nothing before us to justify the limitation to twenty per cent save the judgment expressed in the enactment, and if that is sufficient, it is difficult to see why the apprehension and conviction thus evidenced would not be sufficient were the restriction extended so as to permit only ten per cent of the employees to be aliens or even a less percentage, or were it made applicable to all businesses in which more than three workers were employed instead of applying to those employing more than five."

* * * * *

"The restriction now sought to be sustained is such as to suggest no limit to the State's power of excluding aliens from employment if the principle underlying the prohibition of the act is conceded."

In *Bailey* v. *Drexel Furniture Co.* (No. 657, Oct. Term, 1921), this Court, speaking of the consequences of sustaining the Child Labor Tax Law, said:

"Grant the validity of this law, and all that Congress would need to do, hereafter, in seeking to take over to its control any one of the great number of subjects of public interest, jurisdiction

of which the States have never parted with, and which are reserved to them by the Tenth Amendment, would be to enact a detailed measure of complete regulation of the subject and enforce it by a so-called tax upon departures from it. To give such magic to the word 'tax' would be to break down all constitutional limitation of the powers of Congress and completely wipe out the sovereignty of the States."

It is also said by counsel for appellants that while this Court may not consider the consequences of laying down a principle which would sustain this law, it must consider the consequences of denying the validity of the law. It is said that laws of a similar nature have been passed in a number of States and that a decision adverse to the law now before the Court would annul such state laws and prevent carrying out the experiment in government sought to be made. As counsel for appellants has insisted in another connection, the laws referred to are not before this Court. But the fact that several state legislatures, whether a large number or small number, have attempted wage fixing, does not control the decision of the question now presented. That question is one of *power*, not of desirability or popular interest. That was made clear in *Coppage* v. *Kansas*, *supra*, where a similar question of power was presented and where it appeared that

statutes like the one before the Court had been enacted in some fourteen states.

As to the approval of such legislation by some State courts, which counsel for appellants so much relies upon, it must be remembered that all of the State cases which may be fairly cited rest upon the one decision from Oregon which came to this Court on error to the Supreme Court of Oregon. The weight of the Oregon decision as an authority on the interpretation of the Constitution of the United States must be tested by the fact that when that case came to this Court, the Court was equally divided on the question and no opinion was delivered.

As this Court has many times said, a decision by a divided court is no authority for the determination of other cases in this or any other court.* So far as

*Extracts from Decision in *Hertz vs. Woodman*, (218 U. S., 205, 211, 213):

"It is also urged that the Circuit Court of Appeals for the Seventh Circuit is precluded from requesting the instruction of this court, because it had in two cases theretofore decided the very question now certified. *United States v. Marion Trust Co.*, 143 Fed., 301; *United States v. Stephenson*, not yet reported. In both cases the decision was adverse to the contention of the United States. The first was affirmed by this court without opinion, by an evenly divided court, 203 U. S., 594, and, in the second, an application by the United States for a writ of *certiorari* was denied, 212 U. S., 572.

* * * * * *

"All of these cases were affirmances by an equally divided court of the judgments of the court below. * * *

* * * * * *

"In such circumstances the court below was not only free to regard the question as one open for determniation, but one which might well be

the Oregon law is concerned, it may be said with just as much reason that it was condemned as inconsistent with the Constitution of the United States as that it was sustained as a valid exercise of power.

Of the state cases cited by counsel for appellants, leaving out the decision in Massachusetts where the law is not compulsory and the case is not in point because it rests upon an entirely different ground and leaving out the decision in Texas where the validity of the law was not involved and where minimum wage laws have been repealed and proposed new ones vetoed as unconstitutional, there remain those from Washington, Arkansas and Minnesota—practically all resting upon the Oregon case.

In the case from Washington the statute of that State was upheld practically without comment on the authority of the Oregon case.

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certified to this court, that the question of law which has never been authoritively decided by this court might be so determined by an instruction as to how it should decide the matter when thus presented for reconsideration.

* * * * * *

"Under the precedents of this court, and, as seems justified by reason as well as by authority, an affirmance by an equally divided court is, as between the parties, a conclusive determination and adjudication of the matter adjudged; but the principles of law involved not having been agreed upon by a majority of the court sitting *prevents the case from becoming an authority for the determination of other cases, either in this or in inferior courts.* The affirmance by a divided court in the second case shows this, for if it was not so, the second equal division could not have happened, for the case would have been controlled by the first equal division."

In the Arkansas case, *State* v. *Crowe,* 130 Ark. 272, the Court was divided. The majority opinion was based on the Oregon case. Chief Justice McCullough dissented in a vigorous opinion and the Justice writing the concurring opinion voted for sustaining the law solely because he felt bound by the course of proceedings in the Oregon case, but gave it as his opinion that "the statute clearly invades the Constitution of the United States and of our own state."

This leaves the decision of the Minnesota court as the only one where the question was independently reasoned, although in that case as well, the Oregon decision was relied on.

Since that decision this Court has passed upon the validity of a number of legislative enactments where the question was really one of power (as in the case at bar) and where the contention was pressed upon the Court that popular opinion or even widespread belief in the desirability of the law should justify the action as within the Constitution. Several of these have been cited in this brief.

As said by the Court of Appeals (*Children's Hospital* v. *Adkins,* 50 Washington Law Reporter, 721, Appendix B of this brief):

> "Legislation tending to fix the prices at which private property shall be sold, whether it be a commodity or labor, places a limitation upon the

distribution of wealth and is aimed at the correction of the inequalities of fortune which are inevitable under our form of government, due to personal liberty and the private ownership of property. These principles are embodied in the Constitution itself, and to interfere with their freedom of operation is to deprive the citizen of his constitutional rights. In other words, regardless of public sentiment or popular demand, such a radical change, if deemed necessary, should not be accomplished by legislative enactment or judicial interpretation, but by way of amendment in the orderly way provided."

"Any intimation that the Constitution is flexible, even in response to the police power, is unsound. Powers expressly delegated by the Constitution—such, for example, as the regulation of interstate commerce—may be extended to meet changing conditions, providing it can be accomplished without altering fundamental principles; but the principles are immutable, not elastic or subject to change. That a state may not impair the obligations of a contract, or that no person can be deprived of his property without due process of law, are principles fundamental, and if the legislature, in response to public clamor for an experimental social reform, may break down these constitutional guaranties by calling an act a 'health law', or a 'public morality law', or a 'public welfare law', all guaranties of the Constitution, under the alleged exercise of the police power, may be changed, modified or totally eliminated."

(3) As to the contention that plaintiffs below were not deprived of property rights because "special licenses" for defectives might have been obtained.

It is contended by counsel for appellants that there is no deprivation of property by the Minimum Wage Law because the plaintiffs below might have applied for a license under the so-called "license clause" and obtained leave of the Board before making contracts. This proposition is insistently and repeatedly set forth and runs through the entire argument of counsel for appellants. So far as it has any bearing on the constitutional question, this contention may be easily and conclusively answered. Counsel for appellants deduces from the language of the Minimum Wage Law the theory that under that law in the District of Columbia, all that the parties to the contract need do if they desire freedom of contract as to price is to apply to the Wage Board for a license—and that this is not a heavy burden upon the parties. Having made this assumption, counsel carries it throughout the argument and makes it the basis of his contention that there is no deprivation of liberty or property or freedom of contract because all can be free by getting a license.

But the argument is entirely beside the point in the case now before the Court for the Minimum Wage Law contains no such provision. The language in the Act

and the only language which refers to "license" or which counsel for appellants could point to in referring to "license" or "leave of the Board" is found in a short provision designated Section 13 of the Act, reading as follows:

> Sec. 13. That for any occupation in which only a minimum time-rate wage has been established, the Board may issue to a woman whose earning capacity has been impaired by age or otherwise, a special license authorizing her employment at such wage less than such minimum time-rate wage as shall be fixed by the Board and stated in the license. (40 Stat. L. 963.)

But under this provision, as is perfectly clear from a study of it, neither the employer, the Children's Hospital, nor the employee, Willie Lyons, could apply for or receive a license and if either or both did, the Minimum Wage Board and not the parties would fix the price in the contract.

To explain this, First: The employer cannot obtain a license because the Act does not anywhere authorize it. The license issues only to an employee. The Board cannot issue a license to an employer because the law authorizes its issuance only to an employee. The employer, employing labor, must pay the wages fixed by the Board or be subject to fine or imprisonment. These are the alternatives—there is no third.

The employer has no right under this law to get any special wages fixed under any circumstances. The possibility of action by some other person is surely not a *right* which affects or lessens the deprivation of rights under the Constitution which the Act brings about. If it is a right or privilege of anybody it is given to the employee only, not to the employer.

Second: The employee, as such, is not given any right to secure a special license. It is only the defective who can secure any change in the wage. It is only the woman "whose earning capacity has been impaired" to whom a special license may be issued. She must *establish* not that she desires to work for less wages or that she is able to support herself without wages or with the wages desired, but that she is impaired as to earning capacity in some way—"by age or otherwise". Assuming that the employee who could thus show she was defective, could obtain the right to make her own contract, is there any the less deprivation of the rights of those employees who are not able and willing to proclaim and prove that they are defectives and impaired in their earning capacity?

Third: But even as to such defective who has applied to the Board there is still given no freedom of contract. The Board and not the employee fixes the wage even then. The law requires even after the

license is obtained, such "wage as shall be fixed by the Board and stated in the license".

The Children's Hospital could not have secured a license from the Minimum Wage Board because the law does not authorize it; Willie Lyons could not have secured a license from the Minimum Wage Board because her earning capacity was not impaired by age or otherwise, and if she could have obtained a license she still would have been subject to the price-fixing of the Board and not to the price-fixing by agreement with her employer. There is, therefore, in Section 13, no provision whatever which affects the argument on the invalidity of the statute.

Counsel for appellants also assumes in this part of the argument that it is a deprivation of property rights only which gives the plaintiffs below a cause of action. In this, also, counsel is in error. In a case of the character of that at bar, it is the right of freedom of contract which has been infringed and that is a right which, (as many times stated by this Court) is part of the "liberty" protected by the Fifth and Fourteenth Amendments, and it is the infringement of this "liberty" which gives the cause of action. *Truax* v. *Raich* (239 U. S. 33).

(4) As to the assignment of error in the action of the Court of Appeals of the District of Columbia in granting a rehearing on the first appeal from the Supreme Court of the District.

The cases before this Court are appeals from final orders of the Court of Appeals of the District of Columbia, affirming decrees of the Supreme Court of the District adverse to the appellants here. These final orders, which appellants here seek to have reversed, were orders made by the Court below upon appellants' appeal from the Supreme Court of the District and upon appellants' assignment of errors and motions to "affirm or reverse."

The orders were made by the Court in regular session, composed of the regular justices authorized by law to sit; there was no temporary vacancy and no occasion or right at that time to call in a substitute justice from the Supreme Court of the District.

On *prior* appeals from the Supreme Court of the District, which ended in orders, not final, but sending the causes back to the lower court for further proceedings, there *were* rehearings granted. It is the granting of these rehearings on the *first appeals,* that appellants now assign as error, in their proceedings in this Court, seeking solely to reverse the orders on the second appeals.

To state the contention in support of this assignment of error seems to answer it, without extended discussion. If there were error in granting or refusing reargument on the first appeals, it is not material in the present proceedings, for these are (as they must be) appeals from the final orders only, made on the second appeals to the Court of Appeals adverse to the present appellants, and in which there was no reargument or rehearing granted or refused nor any question of the constitution of the Court in the cases.

The cases were properly before the Court on the second appeals. The appellants themselves took them there and invoked the action of the Court (*Rooker* v. *Fidelity Trust Co.*, No. 285, Oct. Term, 1922, decided February 19, 1923). To apply the language of this Court: "Both decisions were in the same case, the first was interlocutory; the second was final. Concededly, the case was properly before the Court on the second appeal; the plaintiffs evidently thought so for they took it there."

But, in any event, it is elementary that the granting or refusing of a rehearing in an equity suit is not the subject of review. (*Steines* v. *Franklin County*, 14 Wall. 15; *Roemer* v. *Neumann*, 132 U. S. 103.) The motion or petition is addressed to the discretion of the Court, as shown by all the decisions in the Federal courts. (*Steines* v. *Franklin County, supra.*)

The inherent power of courts (having authority to make rules of procedure and amend them) to correct their own orders during the term is well recognized everywhere.

The contention that the order granting the rehearing on the first appeals was not made by the *Court*, but by an individual member thereof, is without basis in the record. The record shows the order was made by the Court, the Chief Justice dissenting. (On the other hand, the record does show that the first order, that made by letters from Mr. Chief Justice Smyth and Mr. Justice Stafford, who had been the temporary judge, was made without any action, concurrence or dissent of Mr. Justice Van Orsdel, a member of the Court. Nor was that order put on by two members of the Court acting in the absence of a third, for all were absent on vacations and subject to the same method of consultation.)

The argument of counsel for appellants as to the effect of the designation of a special justice to fill a temporary vacancy in the Court, has no support or basis in the law governing the Court of Appeals. That law (Sec. 225, District of Columbia Code) authorizes the members of the Court present, in case of the temporary illness of one or more of the justices, to "designate a justice or justices of the Supreme Court of the District of Columbia to temporarily fill the va-

cancy or vacancies so created", the justice so designated to sit "while such vacancy or vacancies shall exist." In the same section the Court is given authority to make rules and regulations for the transaction of its business.

The record leaves no doubt that Mr. Justice Robb had resumed his place in the Court before the petition for rehearing was filed and passed upon.

If there were some custom in the Court as to the length of time the temporary justice should sit, it cannot affect the question of power. But the practice varied, at the least, as shown by the record in *Hein* v. *Pungs*, 9 App. D. C. 492

As different deductions appear to be made from the facts, it seems desirable to recite briefly the pertinent proceedings in the cases (taking the proceedings in the Children's Hospital case as typical).

On May 19, 1920, bill for injunction was filed by the Children's Hospital. (Rec., p. 2.) On June 25, 1920, order was entered by the Supreme Court of the District denying the injunction and dismissing the bill. (Rec., p. 13.)

From that order appeal was prosecuted to the Court of Appeals, and in the January Term, 1921, was argued by counsel (Rec., p. 31), and the opinion was handed down during the Term (June 6, 1921) by Chief Justice Smyth and concurred in by Wendell P. Stafford, Jus-

tice of the Supreme Court of the District, sitting in the place of Mr. Justice Robb. (Rec., pp. 31, 41.)

Thereafter, on June 14, 1921, and within fifteen days (exclusive of Sundays and holidays) from the decision of the Court, the Children's Hospital filed a petition for rehearing. (Rec., p. 49.) This was within the time required by the rules, which also provide that no mandate shall issue within said time unless upon special order of the Court for cause shown.

That petition recited an important decision of this Court in the Ball Rent case, rendered since the argument and submission of the cause in the Court of Appeals, and asked that a reargument be had and that the mandate be stayed until a rehearing could be had and decision rendered. (Rec., pp. 44-48.)

It sufficiently appears that the petition for rehearing was filed after the judges had separated for their vacations, for the record shows that the copies were mailed by the clerk to the several justices, including Mr. Justice Robb (Rec., p. 49), who had previously resumed his place on the bench.

On June 22, 1921 (still within the fifteen days, exclusive of Sundays and holidays, in which a petition for rehearing might have been filed), the clerk entered on the record an order denying the petition for rehearing. That order was made upon letters to the clerk from Mr. Chief Justice Smyth and Mr. Justice

Stafford (Rec., p. 50). It sufficiently appears that no action of any kind was taken by Mr. Justice Van Orsdel, who had sat in the case, and it also sufficiently appears that the Justices were absent on vacation at the time.

Thereafter, on July 13, 1921, still within the same term, the Court entered the following order:

> "On consideration of the appellant's motion for a rehearing in the above entitled cause, it is by the Court this day ordered that said motion be, and the same is hereby granted, and that this cause be and the same is hereby restored to the calendar for rehearing in due course. Mr. Chief Justice Smyth dissenting." (Rec., p. 52.)

Thereafter, on September 26, 1921, a motion was made in the Children's Hospital case by the appellee to set aside the order granting the motion for rehearing, and on October 6, 1921, a similar motion was filed in the Lyons case, which motions were denied October 7, 1921, Mr. Chief Justice Smyth dissenting. (R., pp. 53, 54, 55.)

On October 10, 1921, counsel for the Minimum Wage Board appeared for the reargument, and on motion leave was granted to counsel for the Board to file additional briefs (Rec., p. 55), and the argument was made by counsel for both sides.

Thereafter, opinion was handed down by Mr. Justice Van Orsdel, concurred in by Mr. Justice Robb, Mr. Chief Justice Smyth filing a dissenting opinion. (Rec., p. 56.)

And on November 6, 1922, the Court, the Chief Justice dissenting, entered an order reversing the decree of the Supreme Court of the District and remanding the cause to that Court for further proceedings. (Rec., p. 81.)

Thereafter the cause came on to be heard before the Supreme Court of the District, and on December 20, 1922, that Court adjudged, ordered and decreed that the Minimum Wage Law was invalid because in conflict with the Constitution of the United States and the amendments thereto, and that the defendants be enjoined, etc., as appears in the order. (Rec., p. 15.)

From that order the defendants, the Minimum Wage Board, appealed to the Court of Appeals, assigning as error (1) the action of the Court in holding the Minimum Wage Law unconstitutional; (2) the action of the Court in permanently enjoining defendants. (Rec., p. 16.)

Thereafter the appellant, the Minimum Wage Board, filed a motion to dispense with printing the Record, which was granted (Rec., p. 82), and also filed a motion to either affirm or reverse the decrees below. (Rec., p. 83.) Upon consideration thereof the Court

of Appeals acting upon the appellants' motion to affirm or reverse, passed upon the assignment of errors and ordered, adjudged and decreed that the decree of the Supreme Court be affirmed, Mr. Chief Justice Smyth dissenting. (Rec., p. 83.) Thereafter, from this final order, the Court of Appeals allowed an appeal to this Court, on motion of counsel for appellant. (Rec., p. 84.) That is the appeal now before this Court.

CONCLUSION.

The argument of counsel for appellants in support of the validity of the wage law, cannot fairly be said to rest upon any decision of this Court, except that, *assuming* this law to be within the scope of the police power he relies upon the rulings many times made and not disputed here, that Congress has a wide discretion in exercising an admitted power.

But, as has been pointed out, the question here is not one of discretion in determining the extent to which Congress may go in legislating for the public health, safety, morals or welfare *within* the police power. It is not a question of the reasonableness of the exercise of an admitted power. At the very base of the discussion is the question of the power to act at all. The question is whether the fixing of the price of labor is

within the police power at all—not whether it is a proper exercise of that power.

It will not do to say that the fixing of prices is done as a "health measure" and therefore it comes within the police power and the constitutional guaranties do not apply. By the same token it might be said that the mere existence of freedom of contract or private ownership of property, guaranteed by the Constitution, are themselves, inimical to health, morals or safety and therefore Congress has a wide discretion to restrict or eliminate them.

On the other hand, every contention of counsel for appellants in support of the validity of the law is answered in the decisions of this Court.

Forbidding that term in the contract between employer and employee by which the price is fixed by the parties has no more relation to health or morals than forbidding the term of the contract between employer and employee by which one agrees not to be a member of an association of workers. And the direct relation to health or morals does not exist when the contract is made by men, and equally it does not exist when the contract is made by women.

The question before the Court being one of *power*, because of the limitations upon legislative power in the constitutional guaranties, the statistics or opinions which induced Congress to believe the law desirable,

have no more controlling weight on the question than they would have on the question of the validity of a law requiring employers to hire none but union men, or a law forbidding them to hire aliens, or an act of Congress such as the Child Labor Tax law.

Respectfully submitted,

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APPENDIX A.

District of Columbia Minimum-Wage Law.

An Act To protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a Minimum Wage Board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where used in this Act—

The term "Board" means the Minimum Wage Board created by section two;

The term "Commissioners" means the Commissioners of the District of Columbia;

The term "woman" includes only a woman of eighteen years of age or over;

The term "minor" means a person of either sex under the age of eighteen years;

The term "occupation" includes a business, industry, trade, or branch thereof, but shall not include domestic service.

SEC. 2. That there is hereby created a Board to be known as the "Minimum Wage Board," to be composed of three members to be appointed by the Commissioners of the District of Columbia. As far as practicable, the members shall be so chosen that one will be representative of employees, one representative of employers, and one representing the public.

The Commissioners shall make their first appointments hereunder within thirty days after this Act takes effect, and shall designate one of the three members first appointed to hold office until January first, nineteen hundred and nineteen; one to hold office

until January first, nineteen hundred and twenty; and one to hold office until January first, nineteen hundred and twenty-one. On or before the first day of January of each year, beginning with the year nineteen hundred and nineteen, the Commissioners shall appoint a member to succeed the member whose term expires on such first day of January, and such new appointee shall hold office for the term of three years from such first day of January. Each member shall hold office until his successor is appointed and has qualified; and any vacancy that may occur in the membership of the Board shall be filled by appointment by the Commissioners for the unexpired portion of the term.

A majority of the members shall constitute a quorum to transact business, and the act or decision of such a majority shall be deemed the act or decision of the Board; and no vacancy shall impair the right of the remaining members to exercise all the powers of the Board.

SEC. 3. That the first members appointed shall, within twenty days after their appointment, meet and organize the Board by electing one of their number as chairman and by choosing a secretary, who shall not be a member of the Board; and on or before the tenth day of January of each year thereafter the Board shall elect a chairman and choose a secretary for the ensuing year. The chairman and the secretary shall each hold office until his successor is elected or chosen; but the Board may at any time remove the secretary. The secretary shall perform such duties as may be prescribed and receive such salary, not in excess of $2,500

per annum, as may be fixed by the Board. None of the members shall receive any salary as such. The Board shall have power to employ agents and such other assistants as may be necessary for the proper performance of its duties: *Provided,* That until further authorization by Congress, the sum which it may expend, including the salary of the secretary, shall not exceed the sum of $5,000.

SEC. 4. That at any public hearing held by the Board any person interested in the matter being investigated may appear and testify. Any member of the Board shall have power to administer oaths and the Board may require by subpœna the attendance and testimony of witnesses, the production of all books, registers and other evidence relative to any matters under investigation, at any such public hearing or at any session of any conference held as hereinafter provided. In case of disobedience to a subpœna the Board may invoke the aid of the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or refusal to obey a subpœna the court may issue an order requiring appearance before the Board, the production of documentary evidence, and the giving of evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

SEC. 5. That the Board is hereby authorized and empowered to make rules and regulations for the carrying into effect of this Act, including rules and regulations for the selection of members of the con-

ferences hereinafter provided for and the mode of procedure thereof.

SEC. 6. That the Board shall, on or before the first day of January of the year nineteen hundred and nineteen, and of each year thereafter, make a report to the Commissioners of its work and the proceedings under this Act.

SEC. 7. That there is hereby authorized to be appropriated, out of the revenues of the District of Columbia, for the fiscal year ending June thirtieth, nineteen hundred and nineteen, the sum of $5,000, or so much thereof as may be necessary, to carry into effect the provisions of this Act.

SEC. 8. That the Board shall have full power and authority: (1), To investigate and ascertain the wages of women and minors in the different occupations in which they are employed in the District of Columbia; (2), to examine, through any member or authorized representative, any book, pay roll or other record of any employer of women or minors that in any way appertains to or has a bearing upon the question of wages of any such women or minors; and (3), to require from such employer full and true statements of the wages paid to all women and minors in his employment.

Every employer shall keep a register of the names of the women and minors employed by him in any occupation in the District of Columbia, of the hours worked by each, and of all payments made to each, whether paid by the time or by the piece; and shall, on request, permit any member or authorized representative of the Board to examine such register.

To assist the Board in carrying out this Act the Commissioners shall at all times give it any information or statistics in their possession under the Act of Congress approved February twenty-fourth, nineteen hundred and fourteen, entitled "An Act to regulate the hours of employment and safeguard the health of females employed in the District of Columbia." (Public, numbered sixty, Sixty-third Congress.)

SEC. 9. That the Board is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: (a), Standards of minimum wages for women in any occupation within the District of Columbia, and what wages are inadequate to supply the necessary cost of living to any such women workers to maintain them in good health and to protect their morals; and (b), standards of minimum wages for minors in any occupation within the District of Columbia, and what wages are unreasonably low for any such minor workers.

SEC. 10. That if, after investigation, the Board is of opinion that any substantial number of women workers in any occupation are receiving wages inadequate to supply them with the necessary cost of living and maintain them in health and protect their morals, it may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by the Board and submitted by it to such conference. The conference shall be composed of not more than three representatives of the employers in such occupation, of an equal number of representatives of the employees in such occupation, of not more than three disinterested

persons representing the public, and of one or more members of the Board. The Board shall name and appoint all the members of the conference and designate the chairman thereof. Two-thirds of the members of the conference shall constitute a quorum, and the decision or recommendation or report of the conference on any subject submitted shall require a vote of not less than a majority of all its members.

The Board shall present to the conference all the information and evidence in its possession or control relating to the subject of the inquiry by the conference, and shall cause to be brought before the conference any witnesses whose testimony the Board deems material.

SEC. 11. That after completing its consideration of and inquiry into the subject submitted to it by the Board, the conference shall make and transmit to the Board a report containing its findings and recommendations on such subject, including recommendations as to standards of minimum wages for women workers in the occupation under inquiry and as to what wages are inadequate to supply the necessary cost of living to women workers in such occupation and to maintain them in health and to protect their morals.

In its recommendations on a question of wages the conference (1) shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate, recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will, in its judgment, be adequate to supply the necessary cost of living to

women workers in such occupation of average ordinary ability and to maintain them in health and protect their morals; and (2) shall, when it appears proper or necessary, recommend suitable minimum wages for learners and apprentices in such occupation and the maximum length of time any woman worker may be kept at such wages as a learner or apprentice, which wages shall be less than the regular minimum wages recommended for the regular women workers in such occupation.

SEC. 12. That, upon receipt of any report from any conference, the Board shall consider and review the recommendations, and may approve or disapprove any or all of such recommendations, and may resubmit to the same conference, or a new conference, any subject covered by any recommendations so disapproved.

If the Board approves any recommendations contained in any report from any conference, it shall publish a notice, once a week, for four successive weeks in a newspaper of general circulation printed in the District of Columbia, that it will, on a date and at a place named in the notice, hold a public hearing at which all persons in favor of or opposed to such recommendations will be heard.

After such hearing the Board may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry them into effect, requiring all employers in the occupation affected thereby to observe and comply with such order. Such order shall become effective sixty days after it is made. After such order becomes effective, and while it is effective, it shall be unlawful

for any employer to violate or disregard any of its terms or provisions, or to employ any woman worker in any occupation covered by such order at lower wages than are authorized or permitted therein.

The Board shall, as far as is practicable, mail a copy of such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers are employed.

SEC. 13. That for any occupation in which only a minimum time-rate wage has been established, the Board may issue to a woman whose earning capacity has been impaired by age or otherwise, a special license authorizing her employment at such wage less than such minimum time-rate wage as shall be fixed by the Board and stated in the license.

SEC. 14. That the Board may at any time inquire into wages of minors employed in any occupation in the District of Columbia, and determine suitable wages for them. When the Board has made such determination it may make such an order as may be proper or necessary to carry such determination into effect. Such order shall become effective sixty days after it is made; and after such order becomes effective and while it is effective it shall be unlawful for any employer in such occupation to employ a minor at less wages than are specified or required in or by such order.

SEC. 15. That any conference may make a separate inquiry into and report on any branch of any occupa-

tion, and the Board may make a separate order affecting any branch of any occupation.

SEC. 16. That the Board shall from time to time investigate and ascertain whether or not employers in the District of Columbia are observing and complying with its orders, and shall report to the corporation counsel of the District of Columbia all violations of this Act.

SEC. 17. That all questions of fact arising under the foregoing provisions of this Act shall, except as otherwise herein provided, be determined by the Board, and there shall be no appeal from the decision of the Board on any such question of fact; but there shall be a right of appeal from the Board to the Supreme Court of the District of Columbia from any ruling or holding on a question of law included or embodied in any decision or order of the Board; and, on the same question of law, from such court to the Court of Appeals of the District of Columbia. In all such appeals the corporation counsel shall appear for and represent the Board.

SEC. 18. That whoever violates this Act, whether an employer or his agent, or the director, officer, or agent of any corporation, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than $25 nor more than $100, or by imprisonment not less than ten days nor more than three months, or by both such fine and imprisonment.

SEC. 19. That any employer and his agent, or the director, officer, or agent of any corporation, who discharges or in any other manner discriminates against

any employee because such employee has served or is about to serve on any conference, or has testified or is about to testify, or because such employer believes that said employee may serve on any conference or may testify in any investigation or proceedings under or relative to this Act, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall be punished by a fine of not less than $25 nor more than $100.

SEC. 20. That any act which, if done or omitted to be done by any agent or officer or director acting for such employer, would constitute a violation of this Act, shall also be held to be a violation by the employer and subject such employer to the liability provided for by this Act.

SEC. 21. That prosecutions for violations of this Act shall be on information filed in the police court of the District of Columbia by the corporation counsel.

SEC. 22. That if any woman worker is paid by her employer less than the minimum wage to which she is entitled under or by virtue of an order of the Board, she may recover in a civil action the full amount of such minimum wage, less any amount actually paid to her by the employer, together with such reasonable attorney's fees as may be allowed by the court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.

SEC. 23. That this Act shall be known as the "District of Columbia minimum-wage law." The purposes of the Act are to protect the women and minors of the District from conditions detrimental to their health and morals, resulting from wages which are inadequate

to maintain decent standards of living; and the Act in each of its provisions and in its entirety shall be interpreted to effectuate these purposes.

Approved, September 19, 1918.

APPENDIX B.

Majority Opinion of the Court of Appeals.

Mr. Justice VAN ORSDEL delivered the opinion of the Court.

These cases present the question of the constitutionality of the Minimum Wage Law of the District of Columbia, Act of Congress, September 19, 1918, 40 Stat., L., 960.

By the act in question, the Commissioners of the District of Columbia were authorized to appoint a minimum wage board composed of three members. This board is vested with power, after investigation as provided in the statute, to fix the minimum wages to be paid women employees in any occupation in the District of Columbia, where the board from its investigation is of opinion that women workers are receiving inadequate wages. The act also provides that after a minimum wage has been fixed, any employer or agent, or any officer, director, or agent of any corporation, refusing to comply with the order of the board, shall be guilty of a criminal offense and upon conviction punished by fine or imprisonment, or both.

By a further provision of the act, the decision of the board, fixing a minimum wage, is made final, and no appeal to the courts from such decision is allowed except upon error of law. The board is given authority to examine the books of every individual or corporation, employing women in the District of Columbia, to ascertain the names of women employees and the wages paid, a register of which every employer is re-

quired to keep. It is made a criminal offense for any employer or his agent to discharge or discriminate in any manner against any employee who serves, or is about to serve on any conference called by the board, or who has testified or is about to testify at any conference, or any employee whom the employer believes may serve on any conference or may testify "in any investigation or proceedings under or relative to this act."

Section 13, of the act, provides: "That for any occupation in which only a minimum time-rate wage has been established, the board may issue to a woman whose earning capacity has been impaired by age or otherwise, a special license authorizing her employment at such wage less than such minimum time-rate wage as shall be fixed by the board and stated in the license."

In case No. 3438, The Children's Hospital, a District of Columbia corporation, seeks to perpetually restrain the minimum wage board from enforcing an order requiring it to pay its women employees not less than $16.50 per week, or $71.50 per month. In case No. 3467, the appellant, Willie A. Lyons, was operating an elevator in the Congress Hotel in the City of Washington, at a wage of $35 per month and two meals per day, when the board issued an order forbidding any hotel keeper to employ a woman or minor girl "at a rate of wages of less than 34½ cents per hour, $16.50 per week, or $71.50 per month." It is to restrain the enforcement of this order that appellant Lyons filed her bill in the court below.

From decrees of the Supreme Court of the District of Columbia dismissing the bills, these appeals are prosecuted.

We will not stop to analyze the records in these cases for the purpose of determining the sufficiency of the averment to sustain the prayers for extraordinary relief. The single question presented, involves the power of Congress, in the light of the limitations of the Constitution of the United States, to enact this legislation. If the act is constitutional, unquestionably the averments are not sufficient to justify the interposition of equity; but any attempt to enforce an unconstitutional law, resulting in an invasion of property rights, is subject to equitable restraint. Truax v. Raich, 239 U. S., 33. The constitutionality of the act is assailed upon the theory that the power exerted extends to the regulation and limitation of the freedom of contract between private individuals, and that it is the initial step toward unlimited Federal price-fixing legislation.

The act clearly was neither passed to meet a temporary emergency, nor "to tide over a passing trouble." Its interpretation may be pursued without reference to the modern rule of emergency resorted to in support of certain so-called war legislation; nor does it appear that any situation has arisen in the District of Columbia, in respect of women workers, which has become so "publicly notorious" as to justify the inference of an emergency. True, Congress declared the purpose of the act to be "to protect the women and minors of the District from conditions detrimental to their health and morals resulting from

wages which are inadequate to maintain decent standards of living." It then undertakes to direct the interpretation of the act and forbids appeal to the courts, except upon questions of law. While statements of fact by a legislature, as an inducement for the enactment of a law, are entitled to respect, they are by no means conclusive upon the courts; nor are the limitations upon interpretation and appeal, since the courts will have the last word in the event of any arbitrary action on the part of the board in carrying out the provisions of the act.

Another contention may be disposed of in a word. True, a number of states have enacted similar laws and they have generally been upheld by the state courts, but that by no means forecloses consideration of the present case. In Coppage v. Kansas, 236 U. S., 1, the court condemned an act making it a criminal offense for an employer to prevent, by contract, his employees joining labor unions, notwithstanding such laws existed in thirteen states and the territory of Porto Rico.

We are here called upon to weigh the subject-matter of certain legislation in the balance of the Constitution, the general power of Congress to fix wage contracts between private individuals. If Congress may establish a minimum wage for women, it may establish a maximum wage, or it may name a fixed wage. If it may regulate wages for women, it may by the exercise of the same power establish the wages to be paid men. The power of Congress to fix wages between private individuals is either constitutional or unconstitutional. There is no leeway for legislative or judicial discretion.

A fundamental principle is involved; and it does not lie in the courts to declare a law fixing the wages of women constitutional and a law fixing the wages of men unconstitutional. The moral stimulus in the one instance is no greater than in the other. If higher wages are essential to preserve the morals of women, they are equally essential to preserve the morals of men.

This leads to another angle. If the law is to be equitably enforced, it requires a most careful and judicious inquiry by the board into living conditions—the cost of rent, clothes, food and recreation. If the power, therefore, exists to fix wages in the interest of good morals and the promotion of the general welfare, the power must likewise be conceded to fix the prices of all commodities entering into the determination of an equitable wage. In no other way can justice be accorded. The wage fixed for an employer to pay his employee can not be justified if based upon the unrestrained prices which the employee may have to pay the merchant for food and clothes, or the landlord for rent. The logical result of such a course relegates the whole matter of prices to the realm of legislation.

The liberty protected by the Fifth and Fourteenth Amendments to the Constitution includes the freedom of contract and the right to contract with relation to one's business. "It is undoubtedly true, as more than once declared by this court, that the general right to contract in relation to one's business is part of the liberty of the individual, protected by the Fourteenth Amendment." Muller v. Oregon, 208 U. S., 412, 421. In Coppage v. Kansas, 236 U. S., 1, 14, the court, af-

firming the doctrine announced in the Muller case, said: "The principle is fundamental and vital. Included in the right of personal liberty and the right of private property—partaking of the nature of each—is the right to make contracts for the acquisition of property. Chief among such contracts is that of personal employment, by which labor and other services are exchanged for money or other forms of property. If this right be struck down or arbitrarily interfered with, there is a substantial impairment of liberty in the long-established constitutional sense. The right is as essential to the laborer as to the capitalist, to the poor as to the rich; for the vast majority of persons have no other honest way to begin to acquire property, save by working for money."

The public safety and welfare may justify the legislature in limiting the hours of labor in mines and other hazardous industries, and require safeguards to be employed in conducting dangerous occupations. Such regulations, however, affect only the mode of operation and do not invade the domain of prices. They are easily distinguished from the purely economic question of how much the employer shall pay the employee for his services. In one case the business conducted is so inherently dangerous that its regulation, as to methods of operation, becomes a valid exercise of the police power. The public health and safety demand, not that the business be confiscated, not that proprietorship therein be curtailed or limited, not that the economic control thereof may be in the least affected, but that the business be so conducted that the public health and safety may not be seriously endangered.

Legislation tending to fix the prices at which private property shall be sold, whether it be a commodity or labor, places a limitation upon the distribution of wealth and is aimed at the correction of the inequalities of fortune which are inevitable under our form of government, due to personal liberty and the private ownership of property. These principles are embodied in the Constitution itself, and to interfere with their freedom of operation is to deprive the citizen of his constitutional rights. In other words, regardless of public sentiment or popular demand, such a radical change, if deemed necessary, should not be accomplished by legislative enactment or judicial interpretation, but by way of amendment in the orderly way provided.

Alexander Hamilton, whose keen vision seems to have forecast the dangers that would arise in the future, threatening the stability and the life of the republic, left a timely warning against attempted legislative or judicial amendment in response to public clamor. He declared it to be a "fundamental principle of republican government, which admits the right of the people to alter or abolish the established Constitution, whenever they find it inconsistent with their happiness, yet it is not to be inferred from this principle, that the representatives of the people, whenever a momentary inclination happens to lay hold of a majority of their constituents, incompatible with the provisions of the existing Constitution, would, on that account, be justifiable in a violation of those provisions; or that the courts would be under a greater obligation to connive at infractions in this shape, than

when they had proceeded wholly from the cabals of the representative body. Until the people have, by some solemn and authorative act, annulled or changed the established form, it is binding upon themselves collectively, as well as individually; and no presumption, or even knowledge, of their sentiments, can warrant their representatives in a departure from it, prior to such an act. But it is easy to see, that it would require an uncommon portion of fortitude in the judges to do their duty as faithful guardians of the Constitution, where legislative invasions of it had been instigated by the major voice of the community." The Federalist, Chap. 78.

The police power can not be employed to level inequalities of fortune. Private property can not by mere legislative or judicial fiat be taken from one person and delivered to another, which is the logical result of price-fixing. As was said by Mr. Justice Pitney, in the Coppage case: "But the Fourteenth Amendment, in declaring that a state shall not 'deprive any person of life, liberty or property without due process of law,' gives to each of these an equal sanction; it recognizes 'liberty' and 'property' as co-existent human rights, and debars the states from any unwarranted interference with either. And since a state may not strike them down directly it is clear that it may not do so indirectly, as by declaring in effect that the public good requires the removal of those inequalities that are but the normal and inevitable result of their exercise, and then invoking the police power in order to remove the inequalities, without other objects in view. The police power is broad, and not easily de-

fined, but it can not be given the wide scope that is here asserted for it, without in effect nullifying the constitutional guaranty."

In Frisbie v. United States, 157 U. S., 10, 166, the court, after reviewing a number of instances in which the police power had been validly exercised, made the following pertinent exception· "The possession of this power by the government in no manner conflicts with the proposition that, generally speaking, every citizen has a right freely to contract for the price of his labor, services, or property."

But it is suggested that the act may be sustained, since Congress is legislating for a class. The constitutional limitations upon Congress involve fundamental principles of human rights reserved to the whole people and not to any favored class of citizenship. They are for the protection alike of the rich and the poor, the strong and the weak, the high and the low, and may not, either by legislative or judicial fiat, be used to extend special protection or privileges to any particular class of citizens. No reason is apparent why the operation of the law should be extended to women to the exclusion of men, since women have been accorded full equality with men in the commercial and political world. Indeed, this equality in law has been sanctioned by constitutional amendment; and so fixed has the tendency in this direction become established in English speaking lands, that the opportunity for official and business preferment, upon complete equality with men, is limited only by the scope of her aspirations.

The right of Willie Lyons to contract her labor in any lawful calling is a property right, of which, if the property clauses of the constitution mean anything, she can not be deprived. When the minimum wage of $71.50 per month for women was fixed by the board in this District, Willie Lyons was operating an elevator in the Congress Hotel at a wage of $35 per month and two meals per day. As a result she lost her position. The law worked but one way. The hotel manager was not compelled to employ her at a fixed wage, and her position went to a man, who was willing to perform the service at a lower wage that that fixed by the Board. She was without the power to compel her employment, and, because of her inability to measure up to the minimum scale, the law to promote the good morals and general welfare of the community cast her adrift. She was not even in position to avail herself of the provisions of section 13, of the act, since she was fully qualified to perform the work for which she was employed. Her earning capacity as an elevator operator, was not "impaired by age or otherwise." The only way, therefore, by which she could have been saved from competitive injury would have been to have fixed the minimum wage of elevator operators at $32.50 per month and two meals per day. Unless, therefore, the board is to be accorded arbitrary power, section 13 has no application to her case.

The sacredness of the right of the citizen to freely contract his labor was upheld in Adair v. United States, 208 U. S., 161, 174, where the court, speaking through Mr. Justice Harlan, said: "The right of a person to sell his labor upon such terms as he deems

proper is, in its essence, the same as the right of the purchaser of labor to prescribe the conditions upon which he will accept such labor from the person offering to sell it. * * * In all such particulars the employer and employee have equality of right, and any legislation that disturbs that equality is an arbitrary interference with the liberty of contract which no government can legally justify in a free land."

We come now to the consideration of two recent cases upon which counsel for appellee chiefly rely. In Wilson v. New, 243 U. S., 332, known as the Adamson Law case, the court was considering a statute establishing an eight-hour working day for railway employees on interstate railroads, and incidentally providing that the then existing scale of wages should be continued in force until the parties could agree. The court clearly pointed out that the law constituted a regulation of a business impressed with a public interest. It affected an instrumentality of interstate commerce, the control of which, is expressly reserved to Congress in the Constitution. The court held that Congress not only had power to legislate for the protection of the public interest in keeping open the channels of commerce, but possessed authority to regulate matters incidental to the proper exercise of that power. In upholding the provisions of the act continuing the wage scale in force until the parties could agree, the court said: "And this emphasizes that there is no question here of purely private right since the law is concerned only with those who are engaged in a business charged with a public interest where the subject dealt with as to all the parties is one involved in that

business and which we have seen comes under the control of the right to regulate to the extent that the power to do so is appropriate or relevant to the business regulated."

In no respect did the court even intimate that the power of Congress to fix wages for railway employees could be invoked, except where, through failure of agreement, commerce is jeopardized. The authority of Congress is expressed in the opinion in a single sentence: "Here again it is obvious that what we have previously said is applicable and decisive, since whatever would be the right of an employee engaged in a private business to demand such wages as he desires, to leave the employment if he does not get them and by concert of action to agree with others to leave upon the same condition, such rights are necessarily subject to limitation when employment is accepted in a business charged with a public interest and as to which the power to regulate commerce possessed by Congress applied and the resulting right to fix in case of disagreement and dispute a standard of wages as we have seen necesssarily obtained."

The Adamson Law was not a wage-fixing statute and the court so held. The power of Congress to continue the wage scale in force, was limited to its power to legislate generally in respect to commerce, and to the failure of the parties to agree upon a satisfactory scale of wages. In no place is it intimated that Congress, even in the exercise of its delegated authority to regulate commerce, would have power to legislate upon the question of wages where an agreed scale existed.

In Block v. Hirsch, 256 U. S., 135, involving the validity of the Ball Rent Act for the District of Columbia, the court held the renting of property in the District of Columbia, under existing conditions, to be a business affected with a public interest. The act, however, was upheld only when the theory that the power to fix rentals is limited to an existing emergency. The act was held to be a temporary measure "made necessary by emergencies growing out of war * * * embarrassing the Federal Government in the transaction of the public business." This act was passed to correct an abuse which had become "publicly notorious," and the emergency which had made this condition possible was held to justify the act. "The regulation is put and justified only as a temporary measure. See Wilson v. New, 243 U. S., 332, 345, 346. Fort Smith & Western R. R. Co. v. Mills, 253 U. S., 206. A limit in time, to tide over a passing trouble, well may justify a law that could not be upheld as a permanent change."

In the recent decision of the Supreme Court of the United States, Edgar A. Levy Leasing Co., Inc. v. Jerome Siegel, — U. S. — upholding the New York Rent Law, the court, placing its decision upon the same basis as in the Hirsch case, said: "In terms the acts envolved are 'emergency' statutes and, designed as they were by the legislature to promote the health, morality, comfort and peace of the people of the state, they are obviously a resort to the police power to promote the public welfare. They are a consistent interrelated group of acts essential to accomplish their professed purposes. The warrant for this legislative re-

sort to the police power was the conviction on the part of the state legislators that there existed in the larger cities of the state a social emergency, caused by an insufficient supply of dwelling houses and apartments, so grave that it constituted a serious menace to the health, morality, comfort, and even to the peace of a large part of the people of the state. That such an emergency, if it really existed, would sustain a resort, otherwise valid, to the police power for the purpose of dealing with it can not be doubted, for, unless relieved, the public welfare would suffer in respects which constitute the primary and undisputed, as well as the most usual basis and justification, for exercise of that power."

We are of the opinion that the act can not be upheld upon the theory that the contracting for labor between private individuals is a business impressed with a public interest. Unlike the operation of an elevator to handle indiscriminately the grain of the public, and the rates to be charged for such service, (Munn v. Illinois, 94 U. S., 113), or the trust relation arising from the depositing of funds in banks, (Noble State Bank v. Haskell, 219 U. S., 104), or the rates to be charged the public by insurance companies, (German Alliance Insurance Company v. Kansas, 233 U. S., 389), we are here dealing with a private business, conducted between private individuals, in which the public has no direct economic interest. It follows, therefore, that if the doctrine of "public interest" is to be extended to the point of fixing by law the rate at which the individual citizen may contract his labor, by placing a limitation upon the freedom of private contract

between employer and employee, it is difficult to understand just where the limitations of the extension of police power may be reached. It amounts to converting the police power into a convenient experimental agency for distinguishing, extending or abrogating express limitations of the Constitution.

The difficulty arises, we think, from the failure to distinguish between legislative discretion and legislative power. A mere declaration of necessity assumes the existence of power to act, and where there is power, legislative discretion, in its exercise, will be accorded favorable presumption; but if there is a total lack of power, no jurisdiction is reposed in the legislature to determine for itself the possession of the power, and a declaration to that effect is without persuasive force. As the court said, in Truax v. Raich, supra: "We have frequently said that the legislature may recognize degrees of evil and adapt its legislation accordingly, but underlying the classification is the authority to deal with that at which the legislation is aimed." We are here dealing with the power of Congress to restrict freedom of contract which is expressly guaranteed in the Constitution. In the Coppage case, the court held that "the mere restriction of liberty or of property rights can not of itself be denominated 'public welfare' and treated as a legitimate object of the police power; for such restriction is the very thing that is inhibited by the (Fourteenth) Amendment."

Coming now to the consideration of the vindication of the act as a proper exercise of the police power, we are of the opinion that it can not be upheld. High wages do not necessarily tend to good morals, or the

promotion of the general welfare. The standard of virtue and morality is no higher among the prosperous than among the poor. Their worth can not be measured in dollars and cents, or promoted by a legal subsidy. Never have wages been so high as since the outbreak of the late war, and never in the history of the republic has crime been so universal; and this condition, it must be conceded, has made a like unfavorable impression upon the morals of the people. A wage based upon competitive ability is just, and leads to frugality and honest industry, and inspires an ambition to attain the highest possible efficiency, while the equal wage paralyzes ambition and promotes prodigality and indolence. It takes away the strongest incentive to human labor, thrift and efficiency, and works injustice to employee and employer alike, thus affecting injuriously the whole social and industrial fabric. Experience has demonstrated that a fixed minimum wage means, in the last analysis, a fixed wage; since the employer, being compelled to advance some to a wage higher than their earning capacity, will, to equalize the cost of operation, lower the wage of the more competent to the common basis.

Any intimation that the Constitution is flexible, even in response to the police power, is unsound. Powers expressly delegated by the Constitution—such, for example, as the regulation of interstate commerce—may be extended to meet changing conditions, providing it can be accomplished without altering fundamental principles; but the principles are immutable, not elastic or subject to change. That a state may not impair the obligations of a contract, or that no person

can be deprived of his property without due process of law, are principles fundamental, and if the legislature, in response to public clamor for an experimental social reform, may break down these constitutional guaranties by calling an act a "health law," or a "public morality law," or a "public welfare law," all guaranties of the Constitution, under the alleged exercise of the police power, may be changed, modified or totally eliminated.

Nor is the extent of such modification a matter of judicial discretion. To hold that the courts may declare a law, violating the same principle, constitutional under one state of fact, and unconstitutional under another, is the exercise of arbitrary power—a power said to exist nowhere in our system of government. And nowhere could it be lodged with more dangerous results than in the courts.

The tendency of the times to socialize property rights under the subterfuge of police regulation is dangerous, and if continued will prove destructive of our free institutions. It should be remembered that of the three fundamental principles which underlie government, and for which government exists—the protection of life, liberty and property,—the chief of these is property,—not that any amount of property is more valuable than the life or liberty of the citizen, but the history of civilization proves that when the citizen is deprived of the free use and enjoyment of his property, anarchy and revolution follow, and life and liberty are without protection.

The highest freedom consists in obedience to law, and a strict adherence to the limitations of the Consti-

tution. In no way can the freedom of the citizen be more effectually curtailed and ultimately destroyed than by a deprivation of those inherent rights safeguarded by our fundamental law. The security of society depends upon the extent of the protection afforded the individual citizen under the Constitution against the demands and incursions of the government. The only tyranny the citizenship of this republic need fear is from the government itself. The character and value of government is measured by the security which surrounds the individual in the use and enjoyment of his property. These rights will only remain secure so long as the Bill of Rights—the first ten amendments of the Constitution—are construed liberally in favor of the individual and strictly against the government. They were early adopted because of a wide-spread apprehension that the time might come when the government would assume to trespass upon those inalienable individual rights announced in the Declaration of Independence and afterwards incorporated in the Bill of Rights. Courts, therefore, should be slow to lend aid to the government in this modern tendency to invade individual property rights. "Illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted

more in sound than in substance. It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon. Their motto should be obsta principiis." Boyd v. United States, 116 U. S., 616, 635.

No greater calamity could befall the wage earners of this country than to have the legislative power to fix wages upheld. It would deprive them of the most sacred safeguard which the Constitution affords. Take from the citizen the right to freely contract and sell his labor for the highest wage which his individual skill and efficiency will command, and the laborer would be reduced to an automaton—a mere creature of the state. It is paternalism in the highest degree, and the struggle of the centuries to establish the principle that the state exists for the citizen, and not the citizen for the state, would be lost.

If, in the exercise of the police power for the general welfare, power lies in the legislature to fix the wage which the citizen must accept, or choose idleness, or, as in the case of Willie Lyons, be deprived of the means of earning a living, it is but a step to a legal requirement that the industrious, frugal, economical citizen must divide his earnings with his indolent, worthless neighbor. The modern tendency toward indiscriminate legislative and judicial jugglery with great fundamental principles of free government, whereby property rights are being curtailed and destroyed, logically will, if persisted in, end in social disorder and revolution. Let no one imagine for a moment, that our civilization is such that property

rights can thus be socialized without the grossest abuse of the privileges granted, or that the restraint of the abuses can be left with safety to legislative or judicial discretion.

The decrees are reversed with costs, and the causes remanded for further proceedings, not inconsistent with this opinion.

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WM. R. STANSBU
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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1922.

Nos. 795 and 796.

JESSE C. ADKINS, ET AL., CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA,
Appellants;

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, A CORPORATION.

JESSE C. ADKINS, ET AL., CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA,
Appellants,

vs.

WILLIE A. LYONS.

ORAL ARGUMENT OF WADE H. ELLIS

MINIMUM WAGE LAW FOR THE DISTRICT OF COLUMBIA

ORAL ARGUMENT OF WADE H. ELLIS

I

Popular Opinion of the Law

If it please the Court:

At the very threshold of this argument I call the Court's attention to a significant circumstance disclosed in the main brief for the appellants. They devote a few prefatory pages, designated by Roman numerals, to a discussion of the constitutionality of this act, and they follow this in two large volumes with 1138 pages of speeches, reports, magazine articles and statistics concerning the operation of wage laws in certain European countries and in several of the American states—all for the purpose apparently of showing that there is a widespread belief in the necessity of this sort of legislation, and that these expressions of opinion ought, in some way, to influence the issue, regardless of constitutional limitations.

Now, I take it that these views of the proponents of minimum wage laws, and these arguments in favor of such laws set forth by members and employes of wage commissions, or by those seeking the passage of such laws and the creation of such boards, are not before the Court.

I take it that the question as to whether or not the supreme law of the land conflicts with the enactment under consideration is not to be tested by some vote presented in the brief of counsel. If this act is constitutional it is unnecessary to show that there is any public sentiment in favor of it; if it is unconstitutional it cannot be sustained no matter how many people desire it. But to whatever extent such considerations may be regarded I challenge the contention that seems to be implied in this argument that there is a great body of public opinion in this country preferring a legislative interference in the matter of wages between employer and employe rather than an adherence to our long-established and fundamental principles of private property and individual liberty in the making of contracts, and equal opportunity in the right to work.

This act of Congress is supposed to be for the benefit of women. I challenge the suggestion that the great body of women in this country, or any considerable number of them, prefer the fixing of wages for women while men are free to enjoy their liberty of contract. I refute the implication that the women of the United States who have just been given the elective franchise and put upon an equality with men in all political rights, now desire to be classed with incompetents and children as wards of the nation or the state in the conduct of their private business. The greatest organization of men in industry—the American Federation of Labor—as is well known, strenuously opposes wage fixing by law. Mr. Gompers, several years ago in discussing such a proposition said:

> "The same law may endeavor to force men to work for a minimum wage scale, and when government compels men to work for a minimum wage that means slavery." (E. F. McSweney in American Labor Legislation Review, February, 1913.)

The position of the American Federation of Labor is strongly stated in the official report of the executive council of that organization at the 33rd annual convention, as follows:

> "If it were proposed in this country to vest authority in any tribunal to fix, by law, wages for men, labor would protest by every means in its power."

So the report of the executive committee of the American Federation of Labor, accepted and adopted by the whole body, declared just as earnestly against wage laws for women, saying:

> "It is now a recognized fact that the work of women is a part of the industries of our country * * *
>
> "Under modern industrial conditions women are recognized as distinctive workers and their labors are compensated individually. This new condition has contributed to develop a spirit of independence, self-assertion and resourcefulness on their part * * *
>
> "Working women have found that their industrial problems are in no wise different from the industrial problems that confront men. Industrial welfare cannot be worked out on a sex basis. * * *
>
> "Women must become equally resourceful and independent as men or else progress is retarded."

Of course it is obvious that once the power to fix wages is conceded, the power follows to make the bargain between employer and employes in all cases. Can it be that the women of this country favor such laws, and especially for them alone? In my own investigations I have found an overwhelming sentiment just the other way. All over the country today thoughtful and progressive women are contending for industrial equality which follows as a natural and logical sequence to political equality. I find, for example, that in the most

recent conference or congress of the working women of the world, held at Geneva, Switzerland, in 1921, it was voted that all social legislation should benefit the workers, irrespective of race, religion or sex. It is true that there are not great organizations of women workers to whom we can point for an expression of opinion, but there are a number of organizations vitally interested in this very question.

There is the National Woman's Party, for example. Its position is stated as follows:

> "The National Woman's Party stands for equality between men and women in all laws. This includes laws affecting the position of women in industry, as well as all other laws. The Woman's Party does not take any position with regard to the merits of the minimum wage legislation but demands that such legislation, if passed, shall be for both sexes. It is opposed to all legislation having a sex basis and applying to one sex alone."

I find the President of the National Woman's Suffrage Association, Mrs. Carrie Chapman Catt, saying:

> "It is more important than any other consideration at this time, that every human being who is obliged to earn his or her own living have absolute freedom to find any employment which seems suitable and profitable, without discrimination or restrictions of any kind."

I find the body of women who are organized under the name of the Equal Rights Association protesting against minimum wage laws "because they impair the individual's freedom of contract, contrary to the provisions of the federal Constitution."

The Legislative Chairman of the Equal Rights Association (Nora Stanton Barney) in a speech before the Woman's Party in this city recently said:

"Women always were citizens, now they are voters, but are they still to be classed as wards? * * *

"These organizations (referring to Equal Rights Association and Woman's League for Equal Opportunity) are composed of about six thousand women who are industrial and business women, and they represent 2,600 different trades which have felt a great handicap to women in having special laws that apply to women only * * *.

"For in this country there are lined up on the one side these working women, and on the other side there are whole groups of organizations that are trying to put over special laws for women."

So I find resolutions adopted by the Federation of Business and Professional Women's Clubs opposing minimum wage laws for women. There is evidence everywhere among women of an effort to secure industrial equality, and to prevent discrimination or restrictions based upon sex. Even as this case is being heard a proposed bill in the state of New York undertaking to control the wages of women, is being opposed by the women themselves.

And it is a remarkable fact that in all these hundreds or thousands of pages appended to appellant's brief containing the opinions of well meaning enthusiasts, and the reports or reviews of minimum wage boards written by the members or employes of the boards, there is an ominous silence on the part of the women themselves for whose benefit the social reform is agitated.

II

Effect of Wage Fixing for Women

Now, no one doubts the beneficent and humanitarian purpose of such laws, and no one impugns the sincerity

of those who advocate them; but that they are inimical to the highest and best interests of women, thus justifying the opposition they encounter from among the very class intended to be benefited, is shown by the working of the laws themselves, and in some very striking instances by the reports of the Minimum Wage Board for the District of Columbia as disclosed in appellant's brief. For example, they show in various industries, such as department stores, printing plants, restaurants and hotels, that where the orders of the Board were obeyed the number of employes getting less than the minimum wage, was reduced, and the number of employes getting the minimum wage was increased. This was to be expected, of course. But they do not show the effect upon wages of those who were getting *more* than the minimum required by the order. What they tend to show is merely a leveling of wages, and no study or analysis of these figures can be made without compelling the conclusion that the more advanced and experienced workers were required to suffer a reduction in order to make up the minimum wage for the less competent. It nowhere appears that the total wage bill of the industries affected by the order was increased. In other words, the whole tendency of such laws is to lower higher wages rather than to raise lower wages. For example, the Board sets out, in Table II (p. 36) the number and per cent of women and minors in 182 mercantile establishments in the District of Columbia receiving below, at and above the minimum wage rate at certain specified periods, under the operation of the statute. And this shows that for the last year covered by the report (1922) the number of employes whose wages were raised to the minimum, increased; while the number getting above the minimum decreased.

So in Table 12 (p. 37) for the same period, the number of female employes in eleven identical hotels, whose wages were raised to the minimum, increased, while the number of those getting over the minimum decreased. On the other hand, practically every table shows that the total number of females employed in the various establishments in the District of Columbia decreased under the operation of this law. For example, the number of females employed in the printing establishments was reduced by about 10 per cent; the number employed in the five and ten cent stores was reduced about 10 per cent, while the number employed in the restaurants was reduced about 25 per cent.

No wonder some one has characterized such laws as "protecting women out of their jobs." And the tendency, of course, where minimum wage laws are enforced, is to discharge those getting and earning by their capacity and superior training, ambition and efficiency, the higher wages, not affected by the regulation, and filling their places with the less competent and less efficient, who would be willing to work for the minimum wage.

Another striking fact disclosed by the report of the Minimum Wage Board of the District of Columbia, as set forth in appellant's brief, is the admission, quite seriously made, that wherever a union of the women workers was organized the pressure of their collective bargaining had a more beneficial effect upon their wages than the official interposition of the Board. For example, in the printing trade the Minimum Wage Board says (Table 5, p. 15):

> "To women workers themselves is due most of the credit for the increase in wages shown since March, 1920. Through their union they have obtained by agreement with the employers a minimum wage of $20 per week, etc."

If they had depended upon the Board the minimum would have been $15.50 per week.

As we have pointed out, the practical difficulty of substituting for the competitive or market value of labor, the opinion, expressed in some arbitrary figure as to what is a "living wage," is shown over and over again in the varying, inconsistent and contradictory orders and regulations not only of the Minimum Wage Board in the District of Columbia, but of similar commissions wherever they have been established. For example, the minimum wage fixed for women for the same work is $7.50 per week in Arkansas; $12.00 in Kansas; $13.20 in the state of Washington; and $16.50 in the District of Columbia.

In California two organizations undertook to determine what constitutes the minimum cost of living for women. One made the weekly budget $11.78 and the other $21.20. So in the city of Washington. The Minimum Wage Board here fixes the wages of a woman working in the hotels at $16.50 per week, declaring that this is the very least she can decently get along with, and then fixes the wages of women working in a laundry at $9.00 per week. It is difficult to see what there is about laundry work which reduces for the worker the cost of clothing and food and shelter.

The experience of Willie Lyons, plaintiff in one of these actions, is typical of the practical working of a minimum wage law for women. She had a position as an elevator operator in one of the local hotels. She got $35.00 a month and two meals a day. These two meals, even at the rate allowed by the Minimum Wage Board, amounted in value to $18.00 per month additional, or a total of $53.00 per month. Of course, the actual value was far greater than this, and the meals, if she had to buy the same food herself, would no doubt have cost not

less than $1.50 per day or $45.00 per month, so that her place was really worth to her $80.00 per month. Whether she earned anything in addition by way of tips or gratuities, does not appear. But, at any rate, she was satisfied with the terms of her employment—contented in her work, and she wanted to keep her job. But the Minimum Wage Board said this woman needed special police protection. They ordained that she must get $71.50 per month, without regard to meals. And so she lost her job. And now, if she looked about to run another elevator, and this time for the government of the United States, she would find that her wages under the new reclassification act, just adopted, would be not $35.00 per month and her board, making a total of about $80.00 per month, and not $71.50 per month as fixed by the Minimum Wage Board, but her pay in the government service would be about $50 per month and feed herself. And if she became a charwoman for the government her wages would be as low as $20 per month.

Counsel for the wage board in this case suggest that in some way Willie Lyons was induced to bring this action against her own interest. They seek to make it appear that this is a "friendly suit." If it is, it certainly does not appear that there is any occasion for friendliness on the part of Willie Lyons toward the Minimum Wage Board. I suppose if those who earnestly believe in these protective laws for women could express their full conviction, they would deny to this plaintiff the right to sue, as one who does not know what is best for her.

The women of this country are entitled to a little more respect than that. They want, and they deserve, equal rights with men. They believe in self-reliance, independence and character. And they believe that the right to make their own bargains will result ultimately in better pay, a finer sense of self-respect and a higher

quality of citizenship. They are learning from experience that minimum wage laws are not discriminations in their favor but discriminations against them. They are learning that if public authorities in establishing wages for them fix the amount below the competitive value of the service the law-made wage won't help them; and, on the other hand, if the wages are fixed above the competitive value of the service it will drive them out of employment.

III

As to the Claim that there is a "Great Body of Law" in this Country that Will be Upset by Declaring this Act Unconstitutional.

Counsel for appellants contend that there is in force today a "great body of laws" establishing minimum wages for women in a number of states which would be upset if this act is declared unconstitutional. They cite 13 states as having such laws. In the first place, the law declared to be unconstitutional in the Coppage case which undertook to forbid employers to agree with their workmen that the latter would not be members of labor unions, affected enactments in 14 states (California, Colorado, Connecticut, Indiana, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Porto Rico and Wisconsin). But this fact, of course, could not deter the Court from vindicating the supreme law of the land.

The "great body of law" to which counsel for appellants calls attention, will bear investigation. In six or seven of the thirteen states given the laws are dead letters and are not in force (Arizona, Colorado, Massachusetts, Texas, Utah, Porto Rico). In one (Texas) the law has been repealed and proposed new ones recently vetoed

as unconstitutional on the opinion of the attorney general of the state. In several (Kansas, which makes it unlawful to employ women "under conditions or to wages detrimental to their health;" Wisconsin (which provides that any employer paying women less than "living wage" is guilty of violation of law), the statutes are clearly void for uncertainty. On the other hand, there is a current of opinion, much stronger, which is setting in in the other direction—that is, to secure the abolition of all discriminations against women by restrictive labor laws. Such a law has been passed in Wisconsin and is being urged in a number of states. Such opinion has defeated wage laws for women in Ohio, Oklahoma and probably several other states. While mere failure to act may not be a test of opinion it is surely of some significance that great states like New York, Massachusetts, Pennsylvania, Connecticut, New Jersey, Illinois and many others, which have worked out elaborate systems of labor laws (compensation for injuries, hours of service, etc.) have no compulsory wage fixing statutes. As against the six western states that have tried this experiment, the constitutionality of which has already been determined to be doubtful at least, we have 37 states which have refused to try it.

In short, this movement for minimum wages for women which started about 1912, when, as I recall, the Progressive Party declared in favor of it, has since been subsiding everywhere. No representative organization of citizens, either political or economic, has ever before or since favored such an experiment unless it be some sections of the Socialist or Communist parties; and there is abundant evidence that recent public opinion, particularly among the women themselves, is against legislation of this character.

IV

Circumstances Surrounding the Passage of this Law by Congress

The circumstances under which this Minimum Wage Law was passed by Congress in September, 1918, completely refute the claim of its sponsors and defenders that there was any public sentiment for such legislation, any facts before the legislative body showing conditions of health, morals or safety that justified such a remedy, or any interest whatever in the measure outside the little band of well meaning proponents who have been fostering this movement from the beginning.

The Congressional Record for September 13th, 1918, in which the proceedings of the Senate appear, throws a flood of light upon the whole situation; and if, as insisted by appellants, this act is an exercise of the police power to which the rights of private property and freedom of contract guaranteed by the Fifth Amendment must yield, it is appropriate and customary to inquiry as to what was before the legislative body at the time the measure was adopted.

In the first place it appears (Congressional Record, p. 11143) that at the time this bill was first reported to the Senate, up for discussion and made the unfinished business, there were not more than six senators on the floor. Next, it appears that on the day of its passage because of the parliamentary procedure, the bill having been already read the third time, it was not open to any amendment whatever except by unanimous consent, and this consent was on several occasions refused.

Finally, it appears that the bill was passed by the votes of 36 senators for it, 12 against it and 47 senators not voting. Thus it became a law by the votes of a

little more than one-third of the Senate, and with practically no real consideration. In the midst of the general lack of interest there was just one speech made upon the bill, and that against it, upon constitutional grounds, by an able and distinguished lawyer (Senator James A. Reed of Missouri) who, though in a hurried and impromptu way, put the case so forcibly and convincingly that I want to adopt, as a part of my argument, some portion of his remarks. He said:

> "I deem it highly unfortunate that a bill involving the principle that this bill contains, should have reached the point where it cannot even be amended, and this, I understand, without any substantial discussion. * * * This much, however, is plain: The bill seeks to take away the right of private contract.
>
> "Mr. President, it may be that this legislation will go through notwithstanding any protest. It is of that class of legislation which repudiates the right of an American citizen to take care of himself. It is based upon the idea that the human family must be constantly in leading strings and under tutelage and protection. It assumes that the American citizen has not sufficient sense to make his own bargains, but that there are some other American citizens who can, with absolute infallibility make contracts for him. It is based upon a principle of intellectual serfdom. Its underlying thought is that individual rights and responsibilities should be merged into general governmental supervision. If we have this sort of legislation long enough, we will not have left in this world anything but a few political bosses and many industrial slaves.
>
> "There never was a time in the history of the world when there was as little reason for bringing forward such legislation * * *."

Here the Senator was interrupted by the Senator from Iowa (Mr. Kenyon) who said:

> "Does the Senator understand that the bill applies only to women and minors under 18 years of age, who have always been under peculiar guardianship? It applies to women and boys who cannot vote."

Then the Senator from Missouri proceeds:

> "Do women need protection? Are women unable to take care of themselves? Do women need guardians in this day when my distinguished friend is insisting that they are so much more capable of running the government than men that we should have them vote in order to improve the Government. Yet you, by this bill, class them with children and put them in the contemptible position of guardianship. In one breath you are standing here telling us they are capable of performing all the duties of citizenship; that they ought to be allowed to vote upon every question, local and national; that they should be made eligible to all offices of honor, of profit, and of trust; and that they are entitled to these privileges because of their intellectual equality if not their mental superiority over men, and in the next breath you say they are children and they need guardians and commissions to look after their wage. Where now are the knightly ladies whose flaunting banners have recently been borne back and forth in front of the White House and who have demanded with militant processes militant rights? Where are they, that they do not rise to repudiate and denounce this ignominious classification with infants, this demand that they be placed under tutelage, and that they have appointed for them guardians ad litem who will look after every contract they make for their wages * * *.
>
> "Mr. President, I warn the Senate, and I warn the country, that this is the last time of all times when

> we should break down the old fundamentals of our Constitution and of our law. I know that the mention of the Constitution provokes a smile. It has become a byword and a reproach, but it is bottomed upon eternal principles that cannot be destroyed without the world paying the penalty of that destruction."

At this point the Senator was interrupted by the Senator from Iowa:

> "I should like to ask the Senator if he contends that this law is unconstitutional?"

"Yes, sir," was the reply. "I contend that it violates the fundamental principles the Constitution was framed to protect."

Then the Senator from Iowa says:

> "I will say to the Senator that this bill is framed after the bill passed by the Oregon legislature which went to the Supreme Court of the United States. * * * And it was affirmed by the Supreme Court of the United States That case involved the identical question."

Thus it appears that the members of the legislative body who voted for this act, and who owed a primary obligation themselves to reject it if it offended against the supreme law of the land, passed the bill upon the express assurance by its chief sponsor, not challenged or denied, that the Oregon statute, asserted to be identical in terms, had been specifically upheld by this Court, and this despite the fact that the disposition of the Oregon case, by an equal division of the Court, makes that case no authority whatever, either for or against the constitutionality of the act involved. (*Hertz* vs. *Woodman*, 213 U. S. 205).

In connection with the proceedings before the Senate the claim is made in the brief for appellants (Vol. I, p. 41) that the Merchants & Manufacturers' Association of this city, favored the minimum wage law, and that this, as stated by the Senate Committee, "is the strongest argument in its favor." In the course of the debate in the Senate a very interesting colloquy took place. One of the sponsors for the bill (Senator Trammell of Florida) had stated that the bill should be supported because the local merchants and manufacturers were in favor of it. And, later, that the bill should be supported because the employing class was against it. When asked how both reasons could be correct he said:

> "Merchants or employing classes will possibly acquiesce in or agree to a measure when they are not solicitous about having it passed. I stated they did have their man come before the committee and he agreed to the legislation; that they would not oppose the legislation."
>
> "Then," said the Senator from Missouri, "if I understand the Senator's position it is this—that they do not exactly agree to it, but that they do not exactly disagree to it; that they do not exactly want it, but they were not exactly opposed to it."

That, apparently, is the basis for appellant's contention that everybody in Washington was in favor of this measure, including even the Merchants & Manufacturers' Association.

V

Wage Laws Are Not Health Laws

The proposition of the plaintiff in error, put succinctly, is this:

That if a certain minimum wage is necessary to conserve the health, morality and general welfare of the

worker, that wage can be exacted by law from the employer in the exercise of the police power, without regard to the value of the service and in derogation of the right of the employer and the employe to make their own contract.

Now, I deny this proposition in toto and for the following reasons:

First. Wage laws are not health laws at all. There is no direct or immediate relation between health, morality and general welfare, on the one hand, and wages on the other. High wages, and resulting extravagant living, may be as detrimental to health as low wages. As respects morality and the general welfare the Court below in the present case well states the matter thus:

> "High wages do not necessarily tend to good morals, or the promotion of the general welfare. The standard of virtue and morality is no higher among the prosperous than among the poor. Their worth can not be measured in dollars and cents, or promoted by a legal subsidy. Never have wages been so high as since the outbreak of the late war, and never in the history of the republic has crime been so universal. * * * A wage based upon competitive ability is just, and leads to frugality and honest industry, and inspires an ambition to attain the highest possible efficiency, while the equal wage paralyzes ambition and promotes prodigality and indolence. It takes away the strongest incentive to human labor, thrift and efficiency, and works injustice to employe and employer alike, thus affecting injuriously the whole social and industrial fabric. Experience has demonstrated that a fixed minimum wage means, in the last analysis, a fixed wage; since the employer, being compelled to advance some to a wage higher than their earning capacity, will, to equalize the cost of operation, lower the wage of the more competent to the common basis."

But if *low* wages affect the health to any degree, of course *no* wages affect the health to a greater degree. And by the same token envy generally may affect the health and therefore it could, with equal propriety, be contended that it is within the police power of Congress or the states to level all fortunes. Hunger is certainly disastrous to the health, and therefore the hungry ought to be fed from the plenty of the well-to-do.

But it is claimed by appellants that there is some special or peculiar relation between the employer and the employe in private industry which justifies the public authority in exacting a contribution from the one for the benefit of the other. No argument could be more specious than this. In a sense all society is divided into employers and employes, and to exact from *each* employer a contribution for *each* of his employes, is only another way of exacting from *all* employers for the benefit of *all* employes. It is simply taking from "A" to give to "B," and so far as "A" is concerned the injustice would be no greater if the amount exacted were given to "C" with whom he has no relation whatever.

But if we are logically to follow the theory that "A," the employer, must pay to "B" the employe at least as much as "B" needs to support him in comfort because of the relation between "A" and "B," then it must be that "A" owes some special obligation to "B," in addition to the contract of employment, and that the state has a right to enforce this obligation. But surely the relation between "A" and "B" is mutual. Therefore, if some obligation of "A" *outside* the contract, can be enforced, "B's" obligations *inside* the contract ought to be enforced. "B" has agreed to give his services faithfully to the work in hand; he has agreed to give "A" consideration in work for the wages; and if "A" is to be required to pay a publicly fixed compensation for the service, then "B"

ought to be required to give a publicly fixed service for the compensation. If "B" can complain to some commission that "A" does not pay him decent wages, then "A" ought to be able to complain to the same commission that "B" does not render him decent service. But it may be said that "A" can discharge "B." And so he can, and, in this respect, they are merely equal, for "B" can quit. The Minimum Wage law, however, undertakes to govern their conduct while the relation of employer and employe continues. Indeed, it begins to govern before the employment is made. But, in fact, it only governs "A's" conduct and leaves "B" free to do as he likes. In other words, this law requires "A" to pay a certain wage if he employs "B," but does not require "B" to do anything whatever for the wage. This analysis shows what a tangled web we weave when we undertake to meddle in purely private affairs.

Second. I dispute the proposition of appellants that if a certain minimum wage is necessary to conserve the health, morality and general welfare of the worker that wage can be exacted by law from the employer, for another reason, and that is that it is the *public* welfare and not purely *private* interest with which the police power is concerned. The general principle running through all the decisions, upholding the exercise of legislative power in derogation of private rights or private property, is the greater concern, the paramount interest of the public. It is only incidentally that the individual becomes a factor. For example, in the interest of the public health, morals or safety certain corporations may be forbidden to relieve themselves by contract from liability for their negligence. So the use of private property may be regulated, as in the case of safety appliances, sanitation, and wholesome surroundings. So the

state may even incidentally injure or destroy private property if the same is dangerous to public health. So the state may forbid both men and women to work in certain employments more than ten hours a day; or in hazardous places for a less period or for any period at all. But all these things are done in the public interest and only incidentally for the benefit of the individual workman. Indeed, the worker may oppose the regulation and prefer to work the longer hours, or in the unsafe place because of the attractive wages to be earned. But his right and the right of the employer must yield to the greater interest of the public. But an act which simply fixes the wages the employer shall pay on the professed theory that the minimum wage is for the public welfare, is solely to give a benefit to one at the expense of another, in which there is no interest except a private one. This distinction, I believe, is fundamental, and must be maintained, unless many cases of this Court are to be overruled, and financial inequalities are to be removed by legislation in this country upon the theory that the public health and the public morals require a more equal distribution of wealth.

Third. I deny the proposition that if a certain minimum wage is necessary to conserve health, morality and general welfare of the worker, that wage can be exacted by law from the employer in the exercise of the police power, because legislation of this character lies entirely outside the domain of police power and can not be brought within it. The whole trouble with the contention of appellants, I respectfully submit, is that they fail to distinguish between legislative discretion and legislative power. They first assume that the fixing of wages is a proper subject for legislation in the exercise of the police power, and then they undertake to show that the

law under discussion is reasonable and not wanton or spoliative. It is true that freedom of contract and the rights of property may be restricted in the paramount interest of the public welfare; but, as this Court said in *Coppage* vs. *Kansas* (236 U. S. 1.), "the mere restriction of liberty or of property rights cannot of itself be denominated 'public welfare' and treated as a legitimate object of the police power, for such restriction is the very thing that is inhibited by the amendment."

In the last analysis wage-fixing statutes not only have no relation to the public welfare as understood in all discussions of the police power, but they amount merely to the taking of one man's property and giving it to another, without any assurance whatever of a just return. The Fifth Amendment, we may pertinently recall, not only guarantees the citizen against a deprivation of his life, liberty or property without due process of law, but expressly forbids the taking of private property for public use without just compensation. The framers of the Constitution were probably unable to foresee, or were unwilling to believe, that any one would suggest the taking of private property for a *private* use without just compensation. But if they did they provided against such a contingency by the declaration that "the enumeration in the Constitution of certain rights shall not be considered to deny or disparage others retained by the people." (9th Amendment.)

Fourth. I particularly dissent from the proposition involved in the minimum wage law for women, which is now before the Court. And in this connection I call the Court's attention to the striking and remarkable fact that this minimum wage law for women in the District of Columbia goes farther, and in a wholly different direction from any other law of a similar character. It differs in a most radical way from the Oregon statute, which has

been before this Court, and upon which practically all others of a like nature are based. The Oregon statute, which had also to do with hours of service and sanitary conditions, provided, with respect to wages, that—

> "It shall be unlawful to employ women in any occupation within the state of Oregon for wages which are inadequate to supply the necessary cost of living, and to maintain them in health,"

with provision for a commission to fix standards and administer the law. The District of Columbia act provides for the creation of a board which is authorized and empowered to ascertain and declare "what wages are adequate to supply the necessary cost of living to any such women workers to maintain them in good health, *and to protect their morals.*" The board is then authorized to conduct an investigation to find out if women in any occupation are receiving wages inadequate to supply them with the necessary cost of living and maintain them in health *"and protect their morals."* And after such investigation the board shall fix the standard, make its order, and any employer in the District of Columbia who fails to pay the wages found by the board as necessary to maintain his women employes in good health *and protect their morals,* is guilty of a crime, and may be fined and sent to jail.

Now, it is claimed by counsel for appellants that in view of the relation between the employer and the employe, it is not unreasonable to require that the employer shall insure to the woman worker, out of the conduct of his business, at least enough to support life and health, and that if the business cannot afford such wages it ought to cease to operate. Of course, such a contention overlooks the whole guaranty of freedom of

contract, and the rights of private property. But the statute under review goes further than this. It requires that the employer shall pay something more than a living wage (whatever that is), and shall contribute, in addition to compensation for labor performed, whatever is necessary to protect the morals of the worker.

Surely there is nothing in a contract of employment which makes the employer responsible for the morals of his employes outside the scope of the employment. I suggest, in deference, that while the denial to women of the right to make their own contracts, and to determine for themselves what compensation they want for their labor, is a reflection upon their intelligence, a statute which requires that despite their own wishes in the matter, women must be paid in addition to wages sufficient for their support, something to protect their morals, is more than a mere reflection upon their intelligence. And I submit that if women do need such protection (a suggestion which, in their name, I resent) it cannot be supplied by the appropriation of private property. If there were no other element in this case this one feature would render the act void.

VI

In All the Decisions of this Court, from Munn vs. Illinois to Wilson vs. New, there is no Authority Sustaining such a Statute as that Involved in this Case.

Coming now to a discussion of the decisions of this Court, in so far as they touch, directly or indirectly, the legislative power to fix wages, either minimum or maximum, either for men or for women, I think we are clearly justified in asserting that in the entire line of such cases,

from *Munn* vs. *Illinois* (94 U. S. 113) to *Wilson* vs. *New* (243 U. S. 332) there is no authority which would support the constitutional validity of the act involved in this case. Nor is there to be found any such authority in any appellate court, federal or state, beyond those which rest upon the one decision from Oregon which came to this Court, and was disposed of by an equal division. *Stettler* vs. *O'Hara* (245 U. S. 629; 69 Ore. 519).

On the other hand, wherever the question has arisen or has been discussed, either in the state or federal appellate courts, or in this Court, the condemnation of such laws, as contrary to the guaranties of the Constitution, has been uniformly declared in clear and unequivocal language.

I want to run over very briefly a summary of the opinions of this Court in which the constitutional validity of wage-fixing statutes was considered, referred to, or, suggested.

In *Frisbie* vs. *United States* (157 U. S. 160) this Court in sustaining an act limiting compensation for obtaining a pension on the ground that the pension is a public bounty, and conditions may be attached to its payment, says (p. 166):

> "The possession of this power by government in no manner conflicts with the proposition that, generally speaking, every citizen has a right freely to contract for the price of his labor, service or property."

In *Allgeyer* vs. *Louisiana* (165 U. S. 578) this Court, quoting an earlier decision, said:

> "The main proposition advanced by defendant is that his enjoyment upon terms of equality with all others in similar circumstances, of the privilege

> of pursuing an ordinary calling or trade, and of acquiring, holding and selling property, is an essential part of his rights of liberty and property as guaranteed by the Fourteenth Amendment. This Court assents to this general proposition as embodying a sound principle of constitutional law."

In *Adair* vs. *United States* (208 U. S. 161), the Court in holding that Congress was without power to forbid interstate railroads to discharge an employe because of his membership in a labor union says, speaking through Mr. Justice Harlan:

> "The right of a person to sell his labor upon such terms as he deems proper, is, in its essence, the same as the right of the purchaser of labor to prescribe the conditions upon which he will accept such labor from the person offering to sell it * * *. In all such particulars the employer and the employe have equality of right, and any legislation that disturbs that equality is an arbitrary interference with the liberty of contract which no government can legally justify in a free land."

In *Coppage* vs. *Kansas* (236 U. S. 1). The Court (by Mr. Justice Pitney) said:

> "Included in the right of personal liberty and the right of private property—partaking of the nature of each—is the right to make contracts for the acquisition of property. Chief among such contracts is that of personal employment, by which labor and other services are exchanged for money or other forms of property. If this right be struck down or arbitrarily interfered with, there is a substantial empairment of liberty in a long-established constitutional sense. The right is as essential to the laborer as to the capitalist, to the poor as to the rich; for the vast majority of persons have no other

> honest way to begin to acquire property save by working for money."

In *Bunting* vs. *Oregon* (243 U. S. 426) this Court upheld an hours of service law in Oregon, but pointed out with emphasis, that the conclusion rested upon a finding that the law was not to be considered a wage law.

In *Wilson* vs. *New* (243 U. S. 332), the Adamson law was upheld as a statute fixing an eight-hour day for railroad employes, and temporarily continuing existing wages until the parties could agree. Here the Court makes it perfectly clear that wage fixing in general would be forbidden by the Constitution, saying, at page 347:

> "The right to fix by agreement * * * a standard of wages * * * is primarily private. The establishment and giving effect to such an agreed-on standard is not subject to be controlled or prevented by public authority."

In *Ft. Smith & Western R. R. Co.* vs. *Mills* (253 U. S. 206), a later Adamson law case, the Court held that where employers and employes had actually agreed upon wages there could be no interference with their agreement.

In *Timber Co.* vs. *Washington* (243 U. S. 219) involving the workman's compensation law of the state of Washington, Mr. Justice Pitney, delivering the opinion of the Court, significantly points out that if a certain section (4) of the act involved, making it unlawful for the employer to deduct any part of the premium he was required to pay from the wages of his workmen, should be construed so as to prohibit employers and employes

> "In agreeing upon wages * * * from taking into consideration the fact that the employer was a contributor to the state fund * * *. It would

> be open to serious question whether, as thus construed, it did not interfere to a constitutional extent with their freedom of contract."

And finally stated that on familiar principles the Court would not assume, in advance, that such "a construction will be adopted as to bring the law into conflict with the federal Constitution."

In *Prudential Insurance Co.* vs. *Cheek* (149, Oct. Term, 1922) the Court, in construing a Missouri statute requiring corporations doing business in that state to give employes quitting their service, a letter showing reasons for the termination of employment, and upholding it as a reasonable exercise of the police power, says:

> "The Missouri statute interposes no obstacle or interference as to either the making or the determination of contracts of employment, and prescribes neither terms nor conditions."

And again:

> "It does not prevent the corporation from employing whom it pleases on any terms that may be agreed upon."

But as to all these expressions of the Court, although clearly indicating a consistent view extending over a long period of years, that the price of labor, or the amount of wages cannot, conformably to the Constitution, be established by law, at least, as a permanent policy, and with respect to private business or the ordinary occupations of life; and although it would seem clear that in certain of these cases the statute would have been held invalid by the Court, as forbidden by the Constitution, except for the fact that it was found not a wage fixing enactment in private industry, it may nevertheless be

claimed that these are mere *obiter dicta*, and that the exact question presented in the case at bar has not been decided. My answer is that while it is true that no law, either of Congress or a state, fixing wages in the ordinary occupations of life, has ever been directly adjudged to be unconstitutional by the Court, if a statute of this character should now be upheld the plain effect would be to reject the distinctions and overrule the reasoning of practically every case just cited.

In *Wilson* vs. *New*, for example, the whole support of the act rested upon the assumption that it was a temporary measure and continued existing wages, dealing with a business impressed with the public interest, and then only to be defended on the ground that the parties themselves could not agree, the Court emphatically stating that even as to the pay of workmen on interstate railroads the right exists in the employers and employes "to agree as to a standard of wages free from legislative interference"; and, further, that the establishment of such agreed on standard "is not subject to be controlled or prevented by public authority."

In *Coppage* vs. *Kansas*, *supra*, it was contended that the act making it a criminal offense for an employer to prescribe, as a condition of employment, that the employe shall agree not to become or remain a member of a labor union, was a valid exercise of the police power of the state, because, as stated by the Kansas Supreme Court, "employes, as a rule, are not financially able to be as independent in making contracts for the sale of their labor as are employers in making a contract for the purchase thereof." The claim was, in effect, that labor unions ought to be encouraged because they assist their members to get better wages. But the Court held that the freedom of contract could not be struck down

on any theory of leveling inequalities of fortune. Now it is hard to say what the controversy in the Coppage case was about, if the State of Kansas could have simply fixed the wages of the employes at whatever the labor unions demanded, or a public commission thought would satisfy the requirements of the situation. To hold that the state may not require special safeguards for labor organizations in the making of contracts between employers and employes on the ground that such organizations tend to strengthen the financial independence of the employe, and yet to contend that the state *may itself* remove financial inequalities by writing the contract between the employer and the employe, and fixing the wages therein, is simply to say that the state may do *directly* what it cannot do *indirectly*.

VII

Where this Sort of Legislation Will Lead

In testing the constitutionality of any legislative act we have the right to inquire, as this Court did, in *Adair* vs. *United States* (208 U. S. 161); *Coppage* vs. *Kansas* (236 U. S. 1); *Truax* vs. *Raich* (239 U. S. 33, Justice Hughes); *Truax* vs. *Corrigan* (257 U. S. 312, Chief Justice Taft), and the late case of *Bailey* vs. *Drexel Furniture Co.* (657, Oct. Term, 1921, Chief Justice Taft), to what distance and in what direction the departure from familiar standards may lead us, and what precedents may be established by sustaining the power claimed, which may be cited hereafter as authority for further legislation, of wider scope or more extended character.

This Court, speaking through the Chief Justice in *Truax* vs. *Corrigan*, supra, said:

> "Classification like the one with which we are here dealing, is said to be the development of the philosophic thought of the world, and is opening the door to legalized experiment. When fundamental rights are thus attempted to be taken away, however, we may well subject such experiment to attentive judgment. The Constitution was intended—its very purpose was—to prevent experimentation with the fundamental rights of the individual."

And, again, in the Child Labor Tax case, the Chief Justice, delivering the opinion of the Court, said:

> "The good sought in unconstitutional legislation is an insidious feature because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant, or the harm which will come from breaking down recognized standards."

In *Boyd* vs. *United States* (116 U. S. 616, 633) the Court put the proposition thus:

> "Illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches, a slight deviation from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed * * *. It is the duty of courts to be watchful for the constitutional rights of the citizen and against any stealthy encroachments thereon."

Now, it must be perfectly obvious that if the state or the nation, despite the Fourteenth and Fifth amendments may fix the wages of women, they may fix the wages of men.

Muller vs. *Oregon* (208 U. S. 412), although it sustained hours of service laws (a legitimate exercise of the police power) as applied to women only, and although

the argument was strenuously made that this case need not necessarily support a similar law for men, *Muller* vs. *Oregon* was followed by *Bunting* vs. *Oregon* (243 U. S. 426), in which an hours of service law (and again very properly we think) was upheld as applied to men. It is interesting to note further that in *Bunting* vs. *Oregon*, supra, the same counsel who appears today for the Minimum Wage Board was careful to say in his brief "The law is an hours law, not a wage law," etc., and yet upon the authority of similar statutes he is contending now that a wage law should be upheld. In the brief filled in this case by the Assistant Attorney General of Kansas, a recent decision is cited (*Court of Industrial Relations* vs. *Charles Wolf Packing Co.*, 109 Kas. 643) in which the Supreme Court of that state holds that wage fixing for men is fully justified by authorities upholding wage fixing for women.

And yet here today the proposition is seriously urged that considerations of her life and morals make a minimum wage law for women necessary and desirable upon principles which would not support a minimum wage law for men. I submit that such an alleged distinction is unreal and fanciful. In all the extracts covering hundreds of pages of appellant's brief, from students, social economists and philanthropists who believe in introducing, as a practical system of government, the theory of the so-called "living wage," there is scarcely the slightest hint anywhere of a distinction between men and women. All the writers on the subject, all the pioneers in the movement of a few years ago, whose testimony is marshaled by the appellants as indicating the support of public opinion for such laws, believe in minimum wage laws for both men and women; and the purely doctrinaire opinions given take no note whatever of constitutional

inhibitions under our form of government. For example, one of the best known (cited at page 419 of appellant's brief), a man of the highest reputation for good works and humanitarian sympathies, declares that every workman's wages "ought to be sufficient to maintain him in reasonable and frugal comfort * * * as determined by man's nature and needs"; and that the best way of effecting this is "the establishment by law of minimum rates of wages that will equal or approximate the normal standards of living for the different groups of workers."

So the Health Commissioner of the District of Columbia (Dr. W. C. Woodward, appellant's brief, p. 390), whose statement was procured by the advocates of this legislation for the purpose apparently of showing that the minimum wage is peculiarly necessary to protect the health and morals of women, says:

> "That there is a very definite relation between wages and health, and between wages and morals, I think will be conceded by every one who at any time has had to earn his own living, and who has even the slightest knowledge of hygiene or health. We know that in any organized community we cannot get ordinary shelter without paying for it; that to clothe the body costs money; that provision for ordinary protection against illness requires money, etc. * * * It stands to reason, therefore, that inadequacy of wage means either of two things: on the one hand, it may mean inadequacy of shelter, inadequacy of clothing, inadequacy of food * * * or, on the other hand, it means that from some source or other the wage must be supplemented with possible resort to wrongdoing to accomplish that end. I am very loath, however, to connect up minimum wages with moral questions. The most I care to say is that when one is tempted the lack of physical stamina and the necessity for maintaining life, increase the weight of the inducement and certainly make yielding easier."

If there is anything in that obvious and indisputable statement which applies to women and does not apply to men, it is certainly difficult to point it out.

If your honors please, a compulsory minimum wage established for either men or women, or for both, is but an initial step in the direction of price fixing generally. Indeed, to make effectual for any purpose a minimum or a living wage, it is absolutely essential ultimately to fix the prices of all commodities, of all property and service of whatever nature. Unless we can regulate the price of everything in the way of private business and private occupation, we cannot beneficially regulate the price of anything. If there is once established as a permanent policy of government, a minimum wage, based upon the cost of living, then, unless all the factors entering into the cost of living, such as rent, the price of land and houses, clothing, food, medicines and recreations are fixed by law the whole machine will run on one wheel. It will do a working woman no good to require her employer to pay her at least $16.50 a week if her landlord can take it all from her in rent; or if the boarding-house can take it all from her for her board.

The opinion of the Court below in the present case well states this principle as follows:

> "If the power * * * exists to fix wages in the interest of good morals, and the protection of the general welfare, the power must likewise be conceded to fix the prices of all commodities entering into the determination of an equitable wage. In no other way can justice be accorded. The wage fixed for the employer to pay his employe cannot be justified if based upon the unrestrained prices which the employe may have to pay the merchant for food and clothes, or the landlord for rent. The logical result

> of such a course relegates the whole matter of prices to the realms of legislation."

It is too old a truth to need repeating that if the price of one commodity is regulated by law, and the price of all other commodities is fixed by competition in the open market, the regulated commodity will suffer. If Congress, assuming the power, fixed the price at which all the farmers in the land would be required to sell their potatoes, and the price of every other product of the farm was controlled by the law of supply and demand, the farmers would simply quit raising potatoes, unless the price fixed by law was made above that obtainable for other products. And in that case the people would quit eating potatoes.

There is no escaping the conclusion that the fixing of wages by law is a step in the direction of price fixing generally, and the one cannot be accomplished without justifying the other. Price fixing means the control of all private industry by the state, and the control of all industry means government ownership, and government ownership means the leveling of all men and women to an industrial army working for the state—and then production ends. This was the experience of Russia. A distinguished American communist who went to Russia shortly after the revolution on a mission of fraternal interest and sympathy, came home cured of his previous beliefs. In the course of a public address he stated that he had seen both the capitalistic and communistic forms of government in operation, and his judgment, expressed in his own words, was this:

> "I have come to the conclusion that I would rather live under a government in which there is an unequal enjoyment of plenty, than under one in which there is an absolutely impartial distribution of nothing."

VIII

CONCLUSION

Now, in a final word, I submit, earnestly and respectfully, that if profound changes are to be made in our system of government, changes which, if once embarked upon, would lead to paternalism in the highest degree, and destroy the one great principle, peculiarly American, that the state exists for the citizen and not the citizen for the state, such a change ought to be frankly and avowedly adopted by constitutional amendment and not by insidious encroachments upon personal freedom in response to some passing fancy for innovations.

The Constitution of the United States is not graven on tables of stone that must be broken in order to be amended. It is written on paper like any other modern contract, and the parties to it may alter the terms whenever they desire.

In view of our experience as a people, in the last decade of political history in this country, it seems peculiarly inappropriate and unjustifiable to be pressing the legislative bodies and the courts to strain or stretch the Constitution so as to accommodate social experiments forbidden by its terms, or contrary to hitherto accepted standards of interpretation. During the last ten years, and since the beginning of this movement for minimum wage laws, now subsiding, the Constitution of the United States has been amended four times. The Sixteenth (income taxes), Seventeenth (election of Senators), Eighteenth (prohibition), and Nineteenth (woman suffrage) articles have been added; and two more amendments (for federal control of child labor and advancing the date for coming into office of the new president and the new congress) are in their initial

stages. The people have learned that the organic law of the land may be quite readily and expeditiously amended whenever there is a strong general sentiment in favor of a change.

Now, as between the two methods of amending the Constitution in the way ordanied by the people, on the one hand, or gradually wearing away its guaranties and safeguards by the "silent approaches," slight deviations and "stealthy encroachments" so often condemned by this Court, on the other hand, the amendment is always to be preferred, and for these patent reasons:

First. It means the vindication and acceptance of existing law and inculcates among the people a respect for orderly procedure.

Second. It affords an opportunity for all the citizens of all the states to debate the question proposed. In the concrete matter here involved, if the advocates of the minimum wage for women were obliged openly to submit their proposal as an amendment to the Constitution, all the women of the land, and particularly the millions of women who are now wage earners, would have an opportunity to be heard. There was this opportunity when women were given the right to vote. And now, although women have since secured the right of suffrage, when it is still proposed in several of the states and here in the capital of the nation, that women shall be denied the right to make their own contracts for their own wages, contrary to the long-accepted principles of the Constitution, it would seem far better, in the interest of good government, to make that change, if it seems desirable, by an open and frank amendment of the Constitution rather than by gradually fastening it upon the country through legislative enactments.

Third. When the people amend their Constitution they do it to the extent necessary to effect the object

desired, and they leave the balance of the instrument unimpaired. Thus, if there is a sufficient public sentiment in this country to inaugurate a system of minimum wages for women, that express and specific authority may be incorporated in the organic law, while wage laws for men, and price fixing generally, will still be forbidden as inconsistent with the general American doctrine of the liberty of the individual and the security of private property. But if the Courts relax the limitations of the Constitution in order to admit novel expedients, in response to some temporary demand, the precedent established becomes an authority for further advances until all restraints are swept away. When the people amend their Constitution they may authorize an exception; when the Courts abate its fixed principles they establish a rule.

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IN THE

Supreme Court of the United States

No. 795.

JESSE C. ADKINS, ET AL., *Appellants*,
vs.
CHILDREN'S HOSPITAL, *Appellee*.

No. 796.

JESSE C. ADKINS, ET AL., *Appellants*,
vs.
WILLIE A. LYONS, *Appellee*.

MOTION TO APPEAR AS AMICUS CURIAE.

ISAAC H. VAN WINKLE,
Attorney General of the State of Oregon,
By F. H. STEPHENS.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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vs.

WILLIE A. LYONS, *Appellee.*

MOTION TO APPEAR AS AMICUS CURIAE.

Now, comes the State of Oregon, by its Attorney General, and the Industrial Welfare Commission of Oregon, by its counsel, the Attorney General of the said State, and ask leave as a friend of the Court to participate in the oral argument of the above entitled causes, and for leave to file a brief on behalf of the appellants therein.

ISAAC H. VAN WINKLE,
Attorney General of the State of Oregon,
By F. H. STEPHENS.

Service of copy acknowledged:
January 25, 1923,
CHALLEN B. ELLIS,
Attorney for Appellees.

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Supreme Court of the United States

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JESSE C. ADKINS, et al., Appellants, vs. CHILDREN'S HOSPITAL, Appellee.	No. 795
JESSE C. ADKINS, et al., Appellants, vs. WILLIE A. LYONS, Appellee.	No. 796

Brief for Industrial Welfare Commission of the State of Oregon

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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1922.

JESSE C. ADKINS, *et al.*, *Appellants*, *vs.* CHILDREN'S HOSPITAL, *Appellee.*	No. 795.
JESSE C. ADKINS, *et al.*, *Appellants*, *vs.* WILLIE A. LYONS, *Appellee.*	No. 796.

BRIEF FOR INDUSTRIAL WELFARE COMMISSION OF THE STATE OF OREGON

ARGUMENT.

Statement of Case.

The Reason for Oregon's Appearance.

The Industrial Welfare Commission of the State of Oregon has been given permission to appear in the above cases because it has the greatest possible interest in their outcome.

If the minimum wage law enacted by Congress for the District of Columbia is unconstitutional un-

der the 5th Amendment, then the like statutes in Oregon and other states are unconstitutional under the 14th Amendment.

The Industrial Welfare Law of Oregon contains minimum wage provisions almost identical with those in the Act of Congress and the Oregon Commission relying upon its validity has for almost ten years issued and enforced its orders fixing minimum wages for women in many occupations, including elevator operators.

The Statute and Orders.

In 1913, without a dissenting vote, the Legislature passed the Industrial Welfare Law after an investigation as to women in industry. The act provided among other things, as follows:

> "Whereas, the welfare of the State of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals, and inadequate wages and unduly long hours and unsanitary conditions of labor have such a pernicious effect, therefore
>
> Sec. 1. It shall be unlawful to employ women in any occupation within the State of Oregon . . . for wages which are inadequate to supply the necessary cost of living and to maintain them in health. . . .
>
> Sec. 10. For any occupation in which only a minimum time wage rate has been established, said commission (the Industrial Welfare Commission) may issue to a woman physically defective or crippled by age or otherwise,

a special license authorizing her employment at such wage less than said minimum time rate as shall be fixed by said commission and stated in said license." (Chap. 62, Laws of Oregon, 1913, pp. 92, 97.)

The act also provides that when the Commission by an investigation is convinced that the wages paid to women in any occupation are inadequate it shall call a Conference of an equal number of representatives of employers, employees and the general public. To this Conference is submitted by the Commission the results of the latter's investigation and the Conference then undertakes an examination of the facts on its own behalf and makes its recommendations to the Commission. The Commission calls a public hearing upon due notice and after such hearing either adopts or disapproves the recommendations of the Conference and makes an order based on such recommendations to become effective in sixty days.

For example, Order No. 45 was made by the Commission so as to become effective October 14, 1919, and so far as relates to the question in hand is as follows:

"2. No person shall employ any experienced woman in the State of Oregon, in any public housekeeping establishment, at a weekly wage rate of less than $13.20.

3. The maximum length of the apprenticeship term for women workers in public housekeeping establishments shall be one year, and such apprenticeship term shall be divided into

three equal periods of four months each. No person shall employ any woman in any public housekeeping establishment during the first period at a weekly wage of less than $9.00; nor for the second period at a weekly wage of less than $10.50; nor for the third period at a weekly wage of less than $12.00.

5. When lodging and board, or either of them, is furnished by any employer to any woman or minor girl employed in any occupation as part payment of the wages of such woman or minor girl, not more than $2.00 per week for lodging and not more than $4.50 per week for board shall be deducted by such employer from the weekly wage of such woman or minor girl. Board shall be considered to be twenty-one meals in each week. A fraction of a week's lodging or board shall be computed upon the above basis.

"Public Housekeeping Occupation" includes the work of . . . elevator operators."

Practice and Procedure Under the Act.

The Industrial Welfare Law of Oregon includes the right of the Commission to determine hours and conditions of labor as well as wages. In this respect it differs from the District of Columbia Minimum Wage Law. Investigations have been made by the Commission from the very beginning both by its Secretary and by outside persons employed to cover particular occupations or subjects. An example of the latter is the Burpee investigation made on the night employment of women which is included in the appendix for the purpose of show-

ing the attitude of employers toward the operations of the Act. Members of the Commission have also, through their own inspections and investigations, kept themselves informed of women's work in industry. Whenever the Commission has been satisfied by any sources of information that an occupation is due for a Conference, such Conference is called and each member of the Commission nominates three members of the Conference to represent the element which the commissioner himself represents namely, employers, employees or public. When the Conference is assembled the Commission presents to it the question for consideration and such facts as the Commission itself may have discovered. The Conference then hears such witnesses as will volunteer or can be found who are familiar with the occupation under consideration. The employer and employee members of the Conference are themselves engaged in the occupation and give their own experiences. The discussion of proposed recommendations is usually had in the presence of at least one member of the Commission and the net result is a recommendation on the several points involved which in almost every case has received the unanimous vote of the members of the Conference. In only one case has the Commission declined to adopt the recommendations proposed or to issue an order based thereon.

The enforcement of the Commission's orders is by prosecution only as a last resort and in a small percentage of the cases arising. The Commission

learns of violations of the Act through complaints of employees, members of the public and principally by inspection. The practice has been to determine whether the violation has been through ignorance of the law or if it is a willful evasion. Although the act has been in force almost ten years, there are still employers who are ignorant of its provisions, very often because they have become employers subject to the act only a short time before the inspector discovered the violation. Through education in such cases and warnings to the employers the violation is stopped without prosecution.

The State Government's Interest.

The Commission obtains its legal advice as to the construction of the act from the Attorney General. Prosecutions are carried on by the district attorneys. Biennially the Commission reports to the Governor and the Legislature its work during the preceding two years and biennially likewise the Legislature makes an appropriation to carry on the work of the Commission.

Popular Support and Interest.

The appendix contains the judgment of the Commission, of its first chairman, of United States investigators, of an independent investigator and of two employers on the workings and value of the act. The law has become an established part of the industrial life of Oregon. In addition to preventing

the employment of women at a wage below living expenses it largely has removed from the field of controversy the settlement of wages. That section of women workers which without the law would be the greatest sufferers from underpayment, is withdrawn from controversy. The Conferences, by bringing together employers and employees of a given occupation at a time when there is no friction, can and do discuss the question of a minimum wage in a fair give-and-take state of mind. While it may be granted that the purpose of the act is not mainly or perhaps at all a means to settle wage controversies, yet experience has shown that the Conferences have been one of the best means of preventing such controversies.

Judicial History of the Oregon Law.

Immediately after the law went into effect, two cases were commenced to test its validity. One was brought by Stettler and the other by his employee, Simpson. Both cases were directed at the minimum wage feature of the law. The trial court held the act valid. On appeal the Supreme Court of the State of Oregon by unanimous decisions affirmed the judgments in *Stettler vs. O'Hara*, 69 Oregon, 519, and *Simpson vs. O'Hara*, 70 Oregon, 261. An appeal in both cases was taken to the Supreme Court of the United States and in January, 1917, the decision of the State Court was affirmed by an equally divided court of eight members.

From 1913 to the present, the Commission has proceeded with its work without interruption. No other attempt than the two cases above mentioned has been made to question its validity.

Plaintiffs' Cases.

The plaintiffs (appellees) assert that they are divested of their liberty and property under the 14th Amendment without due process. The same point was the basis of the *Stettler* and *Simpson* cases.

Reference to Appellant's Brief.

We refer the Court to appellant's brief for the law and reasoning on points not included in our argument and to the wealth of information it contains on the relation of women's wages to their health and well being.

Outline of Argument.

I. The Industrial Welfare Law of Oregon is a valid exercise of the State's police power; the statute is adapted to remedy conditions actually existent affecting the public health and general welfare.

II. A strong presumption exists in favor of validity; the statute having been upheld by the State courts of Oregon and similar statutes having been upheld in other states, they are entitled to

favorable consideration; a practical construction of the Constitution in this respect should not be disturbed.

POINT I.

Conditions were actually existent when the Act was passed detrimentally affecting the health and general welfare of women by allowing them to be paid a wage below the cost of living.

This is a question of fact of which the Court may take judicial notice and on which the Court is entitled to receive aid from counsel. The brief filed by Mr. Frankfurter in the *Stettler* and *Simpson* cases contains the information available in 1917. (Pages 95, 104, 142, 364, 420.) Since then more has come to hand. From the common stock of knowledge it has become apparent that unless and until regulation by the State intervenes there are many women who are paid less than they can live on with the strictest economy. Due to the public interest in the subject, the earnings and cost of living of women in the various communities of the United States and of foreign countries have become well known. Likewise the effect of low wages on women's health and general welfare is known and appreciated. It is not too much to say that the relation between earnings and health and welfare is almost universally recognized.

The Legislature of Oregon held hearings and otherwise informed itself on the subject and found a menacing condition due to under-payment. Its findings have been confirmed by experience elsewhere as appears from Mr. Frankfurter's brief.

POINT II.

The Act is "due process"; it is a reasonable exercise of the police power; it is adapted to remedy the menacing condition existent.

The purpose of the act is to prohibit the employment of "women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living and maintain them in health," and it contains a procedure consisting of investigations and public hearings for the ascertainment of adequate wages; finally it provides an authority to determine the minimum wage and enforce its payment.

While a minimum wage based on the necessary cost of living is fixed for experienced women by the Commission, a lower wage is set for the inexperienced. Moreover, "For any occupation in which only a minimum time rate wage has been established, said Commission may issue to a woman physically defective or crippled by age or otherwise, a special license authorizing her employment at such wage less than said minimum time rate

wage as shall be fixed by said Commission and stated in said license." (Laws of Oregon, 1913, Chapter 62, Section 10.)

The complaint of the appellees in the present cases, as in the *Stettler* and *Simpson* cases, is that the act interferes with their freedom of contract. Assuming that the employee is an experienced and normal woman there is interference to the extent that the employer cannot have her services unless he pays the required wage; he has the choice of paying her or replacing her with a man. So, if she loses her job with him, she has the choice of other positions, but always at not less than the minimum wage. Even if occasional hardship occurs, it is incidental and as unavoidable as elsewhere when regulations are made. "It is established by a series of cases that an ulterior public advantage may justify a comparatively insignificant taking of private property for what, in its immediate purpose, is a private use." (*Noble State Bank vs. Haskell,* 219 U. S. 104, 110.)

"This court has had frequent occasion to declare there is no absolute freedom of contract. . . . Such limitations are constantly imposed upon the right to contract freely, because of restrictions upon that right deemed necessary in the interest of general welfare. So long as such action has a reasonable relation to the exercise of the power belonging to the local legislative body, and is not so arbitrary or capricious as to be deprivation of due process of law, freedom of contract is not interfered with in a constitutional sense." (*Schmidinger vs. Chicago,* 226 U. S. 578, 589.)

A statute is not valid under the "due process" clause, because of its regulations, "unless it clearly appears that those regulations are so beyond all relation to the subject to which they are applied as to amount to mere arbitrary usurpation of power." (*Lemieux vs. Young*, 211 U. S. 489, 496.)

"Upon what sound principle as to the regulations existing between the different departments of government can the Court review this action of the legislature? If there is any such power in the judiciary to review legislative action in respect of a matter affecting the general welfare, it can only be when that which the legislature has done comes within the rule that, if a statute purporting to have been enacted to protect the public health, the public morals, or the public safety, has no real or substantial relation to those objects, or is, beyond all question, a plain, palpable invasion of rights secured by the fundamental law, it is the duty of the courts to so adjudge, and thereby give effect to the constitution." (*Jacobson vs. Massachusetts*, 197 U. S. 11, 31.)

The burden is on those who attack the validity of minimum wage laws to show that underpayment of wages is not an evil condition and that the laws enacted to remedy the abuse are "arbitrary," "spoliative," "unreasonable," "capricious," with "no real or substantial relation to" public health or public welfare, or that they are, "beyond all question, a plain, palpable invasion of rights secured by the fundamental law." For the ten years that this question has been under consideration by the gen-

eral public, by legislative bodies and by the courts, the actuality of the evil of inadequate wages and the effectiveness of the remedy adopted have not been seriously disputed.

POINT III.

A strong presumption exists in favor of the validity of the Minimum Wage Law.

Minimum wage laws have been sustained by the following decisions in state courts:

Stettler vs. O'Hara, 69 Ore. 519.
Simpson vs. O'Hara, 70 Ore. 261.
Williams vs. Evans, 139 Minn. 32.
Miller Telephone Co. vs. Minimum Wage Commission, 145 Minn. 262.
State vs. Crow, 130 Ark. 272.
Larsen vs. Rice, 100 Wash. 642.
Spokane Hotel Co. vs. Younger, 113 Wash. 359.
Holcombe vs. Creamer, 231 Mass. 99.
Poyc vs. State, 89 Tex. Crim. 182.

The approval of the state courts alone is a factor in favor of validity.

Halter vs. Nebraska, 205 U. S. 34, 40.

Legislative action is always entitled to serious consideration by the courts. "It is but a decent respect to the wisdom, the integrity, and the patriotism of the legislative body by which any law is passed, to presume in favor of its validity, until its

violation of the constitution is approved beyond all reasonable doubt." (*Ogden vs. Saunders*, 12 Wheaton, 270.)

POINT IV.

A practical construction of the "due process" clause in respect to minimum wages for women has been given by legislatures, executive officers and courts and should not be disturbed.

As early as *Stuart vs. Laird* (1 Cranch, 299, 309), and certainly as late as *United States vs. Midwest Oil Co.* (236 U. S. 459, 473), this Court has recognized that a practical construction given by other courts, and by other branches of the government has value.

See also:

Briscoe vs. Bank of Commonwealth of Kentucky, 11 Peters 257, 318.
Cooley vs. Port Wardens, 12 Howard 299, 315.
Griser vs. McDowell, 6 Wall. 363, 381.
McPherson vs. Blacker, 146 U. S. 1, 36.
Fairbank vs. United States, 181 U. S. 283, 308.

For ten years all branches of government in the State of Oregon have found the Industrial Welfare Act with its minimum wage provisions a just and wise law. The industries have found it fair and useful. Prophecies that a minimum wage would

become the maximum wage, that women would be thrown out of employment and displaced by men, that employers would be bankrupted, have all proved false. Unexpected advantages to industries through a smaller turnover of women laborers and a reduction in wage disputes have accrued to employers and employees alike.

Respectfully submitted,

ISAAC H. VAN WINKLE,
Attorney General of Oregon.
JOSEPH N. TEAL,
WILLIAM L. BREWSTER,
for the Industrial Welfare Commission of Oregon, as Amici Curiae.

APPENDIX.

Oregon's Experience Under Its Minimum Wage Law.

The wage determinations have not put men in positions vacated by women. The causes operating to decrease the number of women also operated to decrease the number of men, though to a less degree, as the non-selling male force is not as adjustable as the non-selling female force.

The rates of pay for women as a whole have increased. Whenever the wage rates of old employees have been changed since the minimum-wage rulings, the employees were benefited. Some women, upon reinstatement after an absence, were compelled to accept the rate to which they were legally entitled, although it was below that received during their earlier service. The average rates of pay of girls under 18 and of experienced adults have increased; that of inexperienced adults decreased very slightly. While formerly 26 per cent of the girls under 18 received a rate of less than $6 a week, after the determinations less than 1 per cent were paid below this rate. More girls under 18 years received over $6 a week after than before the minimum-wage determinations. Among the experienced women not only the portion getting $9.25 (the legal minimum) but also the proportion getting over $9.25 has increased. The proportion of the force receiving over $12 has also increased, although the actual number has decreased. Some experienced women were re-

ceiving rates below the minimum to which the determinations entitled them.

A comparison of sales made by women raised to, receiving, or who should have received the minimum with those of women receiving above the minimum does not reveal differences that would indicate a decrease in the efficiency of those affected by the wage determinations. The numbers for whom comparable data on this subject could be secured were too limited, however, to warrant conclusions.

All the changes arising from decreased business, reorganization of departments, and increased rates of pay resulted in an increase in the female labor cost and also in the total labor cost of 3 mills per dollar of sales. This increased cost was not distributed equally among stores or among departments in the same store. The changes in female-labor cost varied from an 8-mill increase per dollar of sales in Portland neighborhood stores to 1.2-cent decrease in Salem stores.

Bulletin of the U. S. Bureau of Labor Statistics No. 176, July, 1915, page 9.

While the argument for minimum wage legislation is generally stated from the standpoint of the employees, it must not be supposed that such legislation is opposed by representative employers. Even apart from the human appeal to which most employers readily respond, a policy of enlightened selfishness on their part would lead them to support

this legislation. A legal minimum wage destroys the advantage which unscrupulous employers who are willing to cut wages below the subsistence level have always enjoyed over their more decent competitors. Respectable employers have not been slow to appreciate this fact, as was evident during the public hearings held in the spring of 1916, by the conference appointed to revise the orders of the Oregon Industrial Welfare Commission. During those hearings, while many employers manifested opposition to further reduction of the working day, opinion was practically unanimous in favor of minimum wage legislation; and an increase in the weekly minimum wage in many occupations in Portland from $8.25 to $8.64 was awarded without a single voice being raised in protest at the public hearings held by the Commission. It may be recorded as a matter of interest that the first real encouragement which the movement for wage legislation received in Oregon was a unanimous resolution of endorsement by the Board of Governors of the Portland Commercial Club.

A Living Wage by Legislation, by EDWIN V. O'HARA, *Chairman of Industrial Welfare Commission of the State of Oregon, 1916, p. XVIII.*

The success of the operation of the minimum wage law has been very gratifying. The Industrial Welfare Commission, being a non-paid body, has not been able to devote the entire time of its mem-

bers to the work of the Commission. Nevertheless the Commission has been able because of the uniform support which it has received from public sentiment, to put into effect a code of rulings governing maximum hours, minimum wages and sanitary conditions of employment in nearly all occupations employing women in the State. Though it had been confidently predicted that the wage rulings would supplant female labor by male labor; that higher paid employees would be reduced in wages and that the average wage would not be increased, all the payrolls submitted to the Commission bear out the conclusions of the report published by the United States Bureau of Labor Statistics, July, 1915 (Bulletin 176), to the following effect:

1. Men have not taken women's places.

2. The minimum rate of pay for the experienced adult workers was raised in all occupations. The per cent of the force receiving $12.00 a week and over increased after the wage determinations.

3. Average weekly earnings increased 10 per cent for the total number of women employed. And this was, it will be remembered, at a time of financial depression, when the wages of all women affected by the wage rulings were cut.

Reference has been made to the uniform support given to the wage rulings by public opinion. All of the daily press of Portland, without exception and without reference to party affiliation, has given editorial endorsement to the wage regula-

tions. The first real encouragement given to the movement was a letter of unanimous endorsement by the Board of Governors of the Commercial Club of Portland. And during the spring of 1916, when many public meetings were held to consider the proposed revision of the rulings of the Commission, and much opposition was voiced by employers to the reduction of hours of labor, there was general approval of the wage rulings. The Conference consisting of equal numbers of representatives of the public, the employers, and the employees, unanimously recommended an increase in the wage award in several important occupations in Portland from $8.25 a week to $8.64 a week. At the public hearing, held by the Commission on these proposed awards of increased wages, no one appeared in opposition. This indicated a very general acceptance of the principles of the law and of the rulings of the Commission.

While there have been individual cases of violation of the rulings, the Commission is able to report that such infractions have been exceptional and the violations, where evidence could be secured, have been successfully prosecuted.

Second Biennial Report of the Industrial Welfare Commission of the State of Oregon to the Governor and Legislature, January 1, 1917, page IV.

Much speculation has been indulged in as to the value of the minimum wage law passed in 1913, and

amended at both 1915 and 1917 sessions of the legislature.

The question as to the employer's point of view is answered in the report of H. N. Burpee, given below. This investigation was made at the request of the Commission and grew out of the pressure for release from the ruling which prohibits the employment of women in factories after 8:30 P. M. The complaint was freely made that the scarcity of labor incident to the drafting of men into service, must be met through the employment of women, and that the 6 P. M. closing order for the mercantile occupations, and the 8:30 P. M. closing order for the manufacturing occupations were interfering with the maintenance of the required standard of production in war industries. Mr. Burpee's report follows:

To the Industrial Welfare Commission of the State of Oregon:

Gentlemen: Your instructions to me were to visit a sufficient number of representative firms and corporations engaged in manufacturing and kindred occupations in Portland and vicinity and to obtain and report to you their views with regard to the employment of women, having particular reference to overtime and night work.

(List of establishments visited.)

It will be noted that out of a total of forty-seven industries visited, employing 17,478 men and

2,473 women, only six firms employing 174 men and 381 women report that the present law is working a hardship on their business, while forty-one firms employing ninety-eight per cent of the total employees report that the present law is not working a hardship on their business.

Certainly when forty-one industries out of forty-seven employing ninety-eight per cent of the workers reporting, state without any qualification that the present law with regard to the employment of women is not working a hardship on their business, there seems little justification for a change in the law, particularly since there is a certain flexibility in some occupations under the present law.

Living conditions in Oregon among women workers are generally better than in many of the Middle Western and Eastern states. If the present law should be changed to permit the unrestrained employment of women there is no certainty that it would afford the relief that the few manufacturers desire. Should that time arrive the women themselves would have to be consulted, and they are already on record in several occupations as having refused to work overtime or on night shift.

It would therefore appear from the information obtained that the necessity does not justify a change in that part of the law, in manufacturing occupations, which pertains to the employment of women on overtime or on a night shift.

Respectfully submitted,

(Signed) H. N. Burpee.

Portland, Oregon, October 24, 1918.

The Commission has met with the cordial co-operation of the employers in adjusting complaints as to overtime, wages and sanitary working conditions. It is the policy of the department to secure both sides of a complaint before any definite action is taken, as we believe that the law should protect the employers, as well as the employee, and whenever it is possible the two are brought together for discussion of the trouble, and nine times out of ten the matter is amicably adjusted. In this way we are able to avoid prosecutions with all the consequent expense and ill feeling.

Third Biennial Report of the Industrial Welfare Commission of the State of Oregon to the Governor and Legislature, January 1, 1919, page 4.

The actual operation of the measure is found to react favorably upon the employees. It lends strength to the bargaining power of the individuals tending to draw them together into organizations according to trades. The law has actually raised wages. It has not tended to level down the wage of better paid workers, except in department stores where peculiar conditions exist owing to the methods of the management. It stimulates the efficiency of the wage-earners, shifting the plane of competition to the quality of the work done.

The employer, on the other hand, has not been injured. His cost of production is scarcely affected at all and what slight change may come can readily

be provided for in the price, which will probably not be affected appreciably.

Finally, the employer's plane of competition has been raised, and the factor of interstate competition taken care of by similar laws in neighboring states and joint action resulting from interstate conferences.

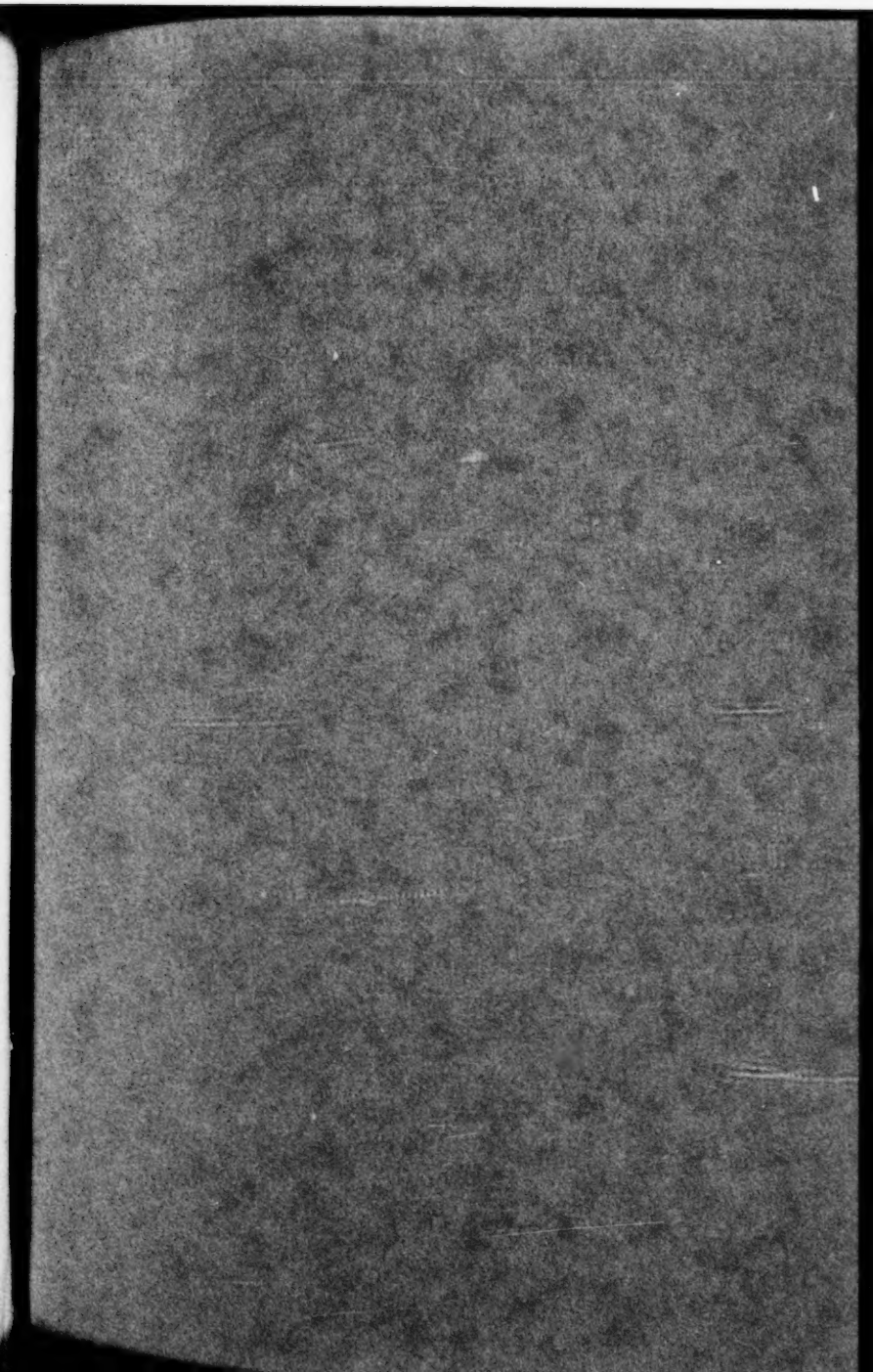
The Oregon Minimum Wage, by VICTOR P. MORRIS, *in The Commonwealth Review of the University of Oregon, Vol. 2, page 27, July, 1920.*

Minimum wage law in Oregon is proving of great benefit to the community. Employing upwards of two hundred clerks our experience, observing its provisions has been very satisfactory. We heartily approve of it.

Roberts Bros. Department Store, March, 1921.

Oregon's minimum wage plan has a stabilizing influence on industry. The wage commission here gives due consideration to apprenticeship periods and slow workers, thus administering the law efficiently and beneficial to all parties.

Portland Woolen Mills, March, 1921.



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WM. R. STANSBU
CLE

Supreme Court of the United States

OCTOBER TERM, 1922

No. 795 and No. 796

JESSE C. ADKINS, et al., Constituting the Minimum Wage Board of the District of Columbia,

Appellants,

against

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation.

JESSE C. ATKINS, et al., Constituting the Minimum Wage Board of the District of Columbia,

Appellants,

against

WILLIE A. LYONS.

MOTION TO FILE PRINTED ARGUMENT AS AMICUS CURIAE UPON BEHALF OF STATE OF NEW YORK AND PROPOSED PRINTED ARGUMENT.

CARL SHERMAN,
Attorney General of New York,
Office and Post Office Address,
Capitol, Albany, N. Y.

EDWARD G. GRIFFIN,
Deputy Attorney General.

Supreme Court of the United States

JESSE C. ADKINS, et al., Constituting the Minimum Wage Board of the District of Columbia,

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against

WILLIE A. LYONS.

October Term, 1922.
No. 795 and
No. 796.

MOTION TO FILE PRINTED ARGUMENT AS AMICUS CURIAE.

Now comes the State of New York by its Attorney-General, Carl Sherman, and respectfully moves this Honorable Court for leave to file as a friend of the Court, a printed argument, hereto annexed, in support of the constitutionality of minimum wage legislation for women and minors, for the reasons that there is now pending in the Legislature of the State of New York a bill providing for a similar law, and because other laws have been enacted for the State of New York relating to women which may be ad-

versely affected by an affirmance of the judgment in the case at bar.

Dated: Albany, N. Y., February 14, 1923.

CARL SHERMAN,
Attorney-General of New York,
Capitol, Albany, N. Y.

EDWARD G. GRIFFIN,
Deputy Attorney-General.

I, Edward G. Griffin, hereby certify that on the ..... day of February, 1923, I mailed in a prepaid envelope three copies of the within motion and proposed printed argument, to Challen D. Ellis, Esq., Attorney of Record for the Appellees in the above entitled appeals, at his office in the Southern Building, at Washington, D. C.

EDWARD G. GRIFFIN,
Deputy Attorney-General.

SUPREME COURT OF THE UNITED STATES.

JESSE C. ADKINS, et al., Constituting the Minimum Wage Board of the District of Columbia,

Appellants,

against

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation.

12

October Term, 1922.
No. 795 and No. 796.

JESSE C. ADKINS, et al., Constituting the Minimum Wage Board of the District of Columbia,

13

Appellants,

against

WILLIE A. LYONS.

PRINTED ARGUMENT FOR STATE OF NEW YORK.

14

We apprehend that the issue presented is only as broad as is defined at pages XVII–XVIII of the main brief for the appellants. Yet, narrow as the issue really is, it comprehends within it the constitutionality of a proposed minimum wage law now pending in the Legislature of the State of New York; further, the implications found in the second majority opinion of the Court below as necessarily following from the disapproval of such a statute, include laws of New York whereby contracts for employment with women

15

16 *Printed Argument for State of New York.*

are singled out for other special industrial protection.

The purpose of our argument is not to extend the application of the principles involved, but merely to recall and emphasize the immediate or ultimate effect of a condemnation of the statute
17 under review upon the system of legislation affecting working women in the most important industrial State. Consequently, we shall avoid all repetition and even elaboration of the arguments advanced in the briefs already filed and shall confine ourselves to the single purpose of a short recital of the situation in New York as it may differ or disclose exaggeration.
18

Position of Industrial Women in New York State.

Of the 4,215,968 women in New York State 1,135,948 were gainfully employed as compared with Pennsylvania, the next largest industrial State, where 686,028 were so employed out of a total of 3,321,983 in the year 1920. 42.5 per cent
19 of the women employed in New York are under 25 years of age, and 80 per cent are of the child-bearing age. Only about 13 per cent are unionized. In New York City alone there are 32,590 factories with a yearly product of $5,260,707,577 in value. In the State are 2,786,112 foreign-born whites and in the Greater City 1,991,547. All
20 this suggests the presence of a high degree of exploitation. We, therefore, present a situation where the evils described in appellants' main brief are far more acute than in the States where minimum wage laws are already operating. For instance, in the minimum wage law, State of Massachusetts, there are 223,830 women em-

ployed in manufacturing industries, and in North Dakota, at the bottom of the scale, only 336. 21

The Bureau of Municipal Research has set the cost of living for saleswomen in New York City at $18.65; for cities of over 50,000 it is $16.99; and for the smaller cities it is $15.48. Yet, the reports of the State Labor Department show 22
that 55 per cent of the employees of 5 and 10-cent stores were in receipt of wages under $13.99 and much lower than the standard set for the District of Columbia.

The cost of living fixed by the official State Factory Investigating Commission beginning in 1914 and corrected for the year 1921 is somewhat lower, being $17.06 a week for New York 23
City; for cities of over 50,000 it is $15.55 and for smaller cities $13.69. Yet, in five typical industries the median wage for the City of New York in the peak year of 1919, as found by the State Labor Department is: Paper box, $11.00–$11.49; shirt and collar, $13.50–$13.99; confectionery, $9.50–$9.99; mercantile, $12.00–$12.49; cigars and 24
tobacco, $15.00–$15.49. For the rest of the State the wage scale is uniformly lower.

The industrial sickness rate among women is high in New York as compared with men. The reports of the State Department of Labor show there are 154 cases of sickness of two weeks or more a 1,000 women as compared with 101 25
among men. Each man lost .9 days a week as compared with 1.6 days for women in 1921. Malnutrition, tuberculosis and the diseases of poverty are emphasized in our crowded cities, the deficiency in housing contributing. See ap-

pellants' main brief, pages, 1024–1028, 1031, 1038, 1075, 1070. *Marcus Brown Holding Co.* v. *Feldman* (*New York Housing Acts*), 256 U. S. 170. In support of the foregoing statistics, see New York State Department of Labor, Special Bulletin No. 109, Sept. 1921, Employment of Women in 5 and 10 cent stores; Study of Industrial Illness, New York State Department of Labor 1921; Reports New York Factory Investigating Commission, Preliminary, 1913, 1914, 1915; Bulletin, Consumers League, "Less Than a Living Wage," Dec. 1921. U. S. Census, Manufacturers 1919.

The wealth and prosperity of our State should afford no excuse for the continuation of parasitic industries thriving upon ignorant or pauper labor supported in part by subsidies from the State and charitably inclined.

Pending Legislation.

The Governor of New York addressed the Legislature in a message dealing with the minimum wage as applicable to this State. This we print at the end of this argument as "Addendum 1." He briefly reiterated his recommendations in his annual message this year. There have been introduced in the Legislature, Assembly Bill Int. No. 18 and Senate Bill Int. No. 523, identical bills, representing the Governor's proposals. The Assembly bill is printed at the end of this argument as "Addendum 2."

This bill, like the statute under review in the cases at bar, provides for a State Commission to fix a living wage for women and minors in industries after conference with the industries

affected, and forbids employment or the acceptance of employment at a less rate under criminal penalties. There are also pending other bills of somewhat different provisions, Assembly Bills Int. Nos. 421, 422.

Statutes of New York limiting "freedom of contract" of women in industry.

The Labor Law of the State of New York (Chapter 50, Laws 1921, Constituting Chapter 31 of the Consolidated Laws as amended), abounds with instances where contracts for the labor of women and minors are restricted. The following are typical:

§ 146. Women and children may not engage in the operation of dangerous machinery and processes enumerated in detail, of which the operation of circular or band saws and power printing presses are suggestive.

§ 148. Women may not be employed until four weeks after childbirth.

§ 172. Women may not be employed more than fifty-four hours a week or nine hours a day, or six days a week. No woman may be employed between ten at night and six o'clock in the morning.

We submit, the argument of the appellants demonstrates that the health, welfare and safety of women and minors are protected in no different degree by these statutes, limiting the "liberty of contract" than by a minimum wage law.

In conclusion, we call attention to the action of the Court of Appeals of New York in dealing with a similar question of social legislation aris-

ing in the case of *People* v. *Charles Schweinler Press* (1915,) 214 N. Y. 395.) This case is cited generally by the appellants at page XXXIX of their main brief, but is not discussed in the application we desire to give it. The statute there under review, forbade women from working in factories between ten at night and six in the morning. A law similar in result had been declared unconstitutional by the Court of Appeals in *People* v. *Williams,* 189 N. Y. 131, only eight years before. Yet, the Court in refusing to regard the earlier case as stare decicis gave among its reasons, the information since gained in New York and other states and countries as to the adverse effect of night work upon the health and welfare of women, Chief Judge Hiscock said at pages 411–412:

> "Especially and necessarily was there lacking evidence of the extent to which during the intervening years the opinion and belief have spread and strengthened that such night work is injurious to women; of the laws, as indicating such belief, since adopted by several of our own states and by large European countries, and the report made to the legislature by its own agency, the factory investigating commission, based on investigation of actual conditions and study of scientific and medical opinion that night work by women in factories is generally injurious and ought to be prohibited. * * * * * * * * * *
>
> So, as it seems to me, in view of the incomplete manner in which the important ques-

tion underlying this statute — the danger to women of night work in factories — was presented to us in the *Williams* case, we ought not to regard its decision as any bar to a consideration of the present statute in the light of all the facts and arguments now presented to us and many of which are in addition to those formerly presented, not only as a matter of mere presentation, but because they have been developed by study and investigation during the years which have intervened since the *Williams* decision was made. There is no reason why we should be reluctant to give effect to new and additional knowledge upon such a subject as this even if it did lead us to take a different view of such a vastly important question as that of public health or disease than formerly prevailed. Particularly do I feel that we should give serious consideration and great weight to the fact that the present legislation is based upon and sustained by an investigation by the legislature deliberately and carefully made through an agency of its own creation, the present factory investigating commission. * * *"

The same Factory Investigating Committee created in 1912 investigated the question of minimum wages for women and minors and made a recommendation concerning the subject during the year 1915 (Fourth Report of Factory Investigating Commission for 1915 Vol. I, pages 47-48.)

46 *Printed Argument for State of New York.*

The *Charles Schweinler Press* case was brought here upon writ of error and argued, but the appeal was dismissed because there was no final judgment in the state courts, 241 U. S. 618.

THE JUDGMENT APPEALED FROM
47 SHOULD BE REVERSED.

Albany, N. Y., Feb. 15, 1923.

CARL SHERMAN,
Attorney-General of New York.

EDWARD G. GRIFFIN,
Deputy Attorney-General.

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ADDENDUM 1.

Governor's Messages.

STATE OF NEW YORK,

EXECUTIVE CHAMBER,

ALBANY. 52

January 3, 1923.

* * * * * * * *

MINIMUM WAGE

For many years we have discussed putting into effect a minimum wage for women and minors in industry established by means of determinations to be reached by a board composed of representatives of the interests involved, the public, the workers and the employers. For years this subject has been agitated and discussed in this State. Experience has shown that we cannot rely upon voluntary recognition of a just minimum wage. There are still many industries in the State where wages for women are far below a decency standard, let alone one that means comfort. All of the arguments made against minimum wage legislation are deceptive.

The State owes it to her women and children to help industry realize that they must be paid a wage that will keep them in health and comfort if we are to conserve one of our greatest resources. I have confidence in the wisdom and sound judgment of our business men and I am satisfied that they will make no objection to an agency of the State that will provide them with

information which will permit them when they become convinced, to remove the industrial injustice that grows out of wages so low that the health of the worker must in time be impaired.

I sincerely believe that the majority of the members of the Legislature are in accord now with my views on this subject and I hope that there will be no delay in putting into effect a law embodying in the Department of Labor an unpaid Minimum Wage Board for the establishment of a minimum wage for women and minors in industry.

* * * * * * * *

April 8, 1919.

* * * * * * * *

When we speak of a legal or minimum wage, we do not mean that wages should be fixed or regulated by law, or that the principle of competition in fixing of wages should be abandoned; or, as it has been otherwise expressed, a living wage does not interfere with collective or even individual bargaining but it establishes the rule that no contract shall be made which to the women workers means the giving away of everything that makes life worth living and results in injury to the whole of society.

A minimum or living wage means the minimum standard below which wages should not be allowed to fall in the low-paid industries, and it has generally been defined as the amount necessary to maintain the woman worker in health and decent comfort. Nor does the minimum wage have the effect of compelling the employer to employ the woman at a certain wage, or of compelling a

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woman to work for that wage. In the essence, the legal or minimum wage is prohibitory, not compulsory in character. The State, in effect, says that to employ women at a wage that is insufficient to sustain them is a public menace, and therefore that danger is prohibited, just as is prohibited the erection of a factory building without proper fire escape exits or sanitary arrangements.

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There is a popular impression that in fixing the minimum wage, the Legislature passes a law saying that no woman shall be employed at less than a certain sum per day or per week. That is not the kind of minimum wage law contemplated by the pending bill or was it ever recommended by any agency in this State. The minimum wage we have under consideration is the determination by a commission with the assistance of wage boards made up of representatives of employers, employees and the public, of the wage necessary to maintain women and minor workers in health and decent comfort in any given industry in any given locality.

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Remove from your mind any idea you may have that this legislation is sought as a matter of favor to any class of people in our State and look at it from the broad viewpoint, that its enactment is sought in the interest of the State itself. Wages that are so low as not to enable women to sustain themselves involve danger not only to the women themselves but to the State, danger to health, danger to moral standards, danger to society and the race.

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When less than a living wage is received, how is the difference made up, for made up it must

be in some form. The woman worker pays in reduced health. The employer pays in greatly reduced efficiency. The whole working class to which the woman belongs pays as the result of an unfair and below-the-belt competition. The State pays through its public and private charities, its
67 hospitals, reformatories and other eleemosynary institutions. Heredity pays in the form of poorly nurtured and delinquent offspring; and the Nation pays in the impairment and impoverishment of its capital resources.

I remember a witness before the State Factory Investigating Commission summed it all up in
68 these words: "To pay a girl what is below a living wage, is like running a thoroughbred horse without shoes. In order to economize a few dollars at one end of the line, we incur a cost that runs up to hundreds of dollars."

Send for the testimony adduced before the State Factory Investigating Commission, and be-
69 fore you dispose of this proposition, read for yourselves what low wages mean in the way of insufficient food, lack of proper nourishment, poor housing facilities and utter lack of recreation. See if you can read as I have from this testimony, that the underpaid workers live in large part upon their reserve of vitality, of physical stamina and moral courage. See if you cannot read from
70 it that thousands of our girls and women are annually drawing on the bank account of their vitality and will continue to do so until nature notifies them that the account is overdrawn, and they frequently die from tuberculosis or some other disease that they could have escaped had

they been adequately fed, adequately clothed and properly housed.

So much for the effect upon health. What effect has the receipt of less than a living wage on moral standards? Dr. Howard Kelly, the eminent gyneologist, in an address before the International Congress on Hygiene and Demography held in Washington in 1912, said:

> "We draw nearer to the true source (of prostitution) when we discover that many girls are driven to a life of shame by low wages paid * * * in many of our sweat shops and in our stores and factories, where the faces of the poor are ground off by the rich * * *. We are reaping the harvest of the distressing social surroundings of the disinherited poor, robbed of their inalienable birthright to an opportunity to make an honest living, to live a good life happily in healthy homes, to enjoy a daily modicum of recreation, and to provide comfortably for the necessities of age."

That is strong language, even from so competent an observer as Dr. Kelly, and I would hesitate to go quite so far. Excessive low wages may not be the direct or primary cause of a life of shame, but indirectly it is inevitably one of the most important contributing factors. * * *

The inevitable tendency of less than a living wage is to place a heavy burden of dependency upon the State and its municipalities. This fact is strikingly borne out in a statement made to the Commission by the Commissioner of Charities of the City of New York, in which he says:

"We have, from year to year, steadily increasing numbers of dependent persons in my department, not suddenly this year more than last, but steadily increasing every year.

"Much of this dependence is unquestionably due to underpay, particularly of women and girls. The consequences of underpay are so obvious as hardly to need enumerating, such as underfeeding, comfortless, unwholesome dwelling accommodations, insufficient clothing. Pneumonia running into tuberculosis has been a wholesale incident of winter and spring among wage earners ever since Colonel Waring pointed it out years ago.

"The burden of all the consequences of underpay finally gets upon the city. We have the hospitals to maintain including the tuberculosis sanatoria and clinics, and the wards for the insane and the melancholy, besides all these patients in the general wards, the primary cause of whose presence in the hospitals is debility. No one disputes that poverty is a continuing predisposing cause of all this chronic and acute illness. What we need to do is to try to stop all that part of it which is due to underpay."

Of particular concern to the State are its women workers. Owing to their defenceless economic condition they are rarely able to hold off from making a bad bargain, nor is there any prospect that these workers will be able to strengthen their position.

But it is said the question of wages should be left as a commercial proposition to be regulated by the law of supply and demand. The answer is that we have been doing just that for over a hundred years and the report of the Factory Commission shows how utterly inadequate that is. The results have been highly injurious to social welfare and there are no natural forces to remedy the evil unless the State will, in self-respect, step in. Our whole social progress during the last fifty years has been obtained by limiting and regulating this so-called economic law of supply and demand.

The manufacturer conserves his machines because they belong to him and when they are worn out he must buy new ones, and he sets aside a part of his profits every year to cover their depreciation, so that when the old ones are worn out funds are at hand for new ones. The case of purchasing labor on the other hand, is like renting a machine without financial responsibility for the condition in which it is returned. The employer in sweated industries for example has little selfish motive in maintaining the future efficiency of his "human machines" since they do not belong to him, and when they have been exploited to the limit they can be thrown upon the scrap heap and be replaced by others. Society, however, must meet the "depreciation charges" in the form of charities and institutions for the care of defectives and criminals. The social expense of such exploitation is often a continuing one, since the victims are not only those who have been themselves exploited, but often also their children.

The minimum wage allows fair-minded employers to do justice to their employees, whereas, at the present time because of the unfair competition to which they are subjected, it is utterly impossible, however good their intention, to do that justice.

In passing this bill you are taking no novel step. Every modern industrial state, whether under a democratic or autocratic form of government, has found it necessary to establish standards of safety, sanitation and working hours, and in other ways to interfere with the contractual relations between employers and employees. These codes of labor laws have been enacted to protect the health and well-being of wage earners who make up a large part of the citizenship of the State. The wisdom of this policy is no longer seriously questioned, whether it be based on humanitarian sentiments or on the more scientific ground of conserving the human resources of the State.

There are three main factors affecting employment: (1) to provide a safe and sanitary place to work; (2) to prevent excessive employment; (3) to secure to the worker if she is in a class that is unable to do any collective bargaining, a wage sufficient to enable her to maintain herself in health and comfort. The State has provided for the first two. I now ask that the Legislature provide for the third.

Underpayment is just as much a cause of physical deterioration and disease, as overwork or unsanitary conditions of work. It is just as cruel to underpay a woman as to overwork her, and just as wasteful from the standpoint of the State.

To say that a woman shall not contract to work for less than a living wage, is to go no further than to say that she shall not contract to work more than nine or ten hours a day, or under certain unwholesome conditions which may affect her as a mother of future citizens. Indeed, it is much easier to trace a social connection between working for a wage inadequate to maintain a decent standard of living and working more than nine or ten hours a day. There is not an argument advanced today against the minimum wage that was not advanced a hundred years ago against the first labor laws. In the debates on the first child labor law, the first law limiting the hours of labor of women and the first laws providing for proper safety and sanitary conditions, you will find just the same social, political and economic objections that are today being urged against a living wage for women and minors.

We began by limiting child labor, at the outset limiting it first to twelve hours, and then to eleven, and then to ten, and nine hours; and then when we found that enough was not accomplished in regulating child labor, we had to pass a law to limit the hours of labor for women. There again, a generation, considerably more than a generation, was required to reduce the hours of labor for women; and at the same time we found we had to provide, in addition to the reduction of the hours of labor, specific times in which women might obtain rest; and then we had to enact all the provisions in regard to sanitation and safety in factories. We found that even this was not sufficient, and, in the interest of the community,

we had to protect the wage-earners in a great many other ways. We have had to protect them in the different states of the Union, in many different ways, which have been held constitutional by the Supreme Court of the United States, such as the fortnightly payments provided in
97 your own law, and upheld in *Williams* v. *Erie R. R.;* the anti-truck laws by which employers who give store orders must stand ready to cash those orders at par; the coal-screen laws, under which coal must be weighed and measured before screening, in order to fix the compensation; the employers' liability laws, and recently by work-
98 men's compensation laws.

It has already been proved that the proper administration of a minimum wage law is entirely practical and has a tendency not merely to raise the standard of wages in the industry, but to place the industry itself upon a more wholesome and less precarious basis. The enactment of a
99 minimum wage law would be no new and untried step.

In 1894 the first minimum wage legislation was enacted in New Zealand. Similar legislation was enacted by New South Wales in 1901, by Western Australia in 1902 and by the Australian Commonwealth in 1904. These laws were designed primarily for the settlement of industrial dis-
100 putes, but the Court created by the law was also given power to fix minimum rates of wages and with that feature alone we are concerned. In 1896 the first act providing for special boards to fix minimum wages in any trade was enacted in Victoria. This act of legislation was later fol-

lowed by South Australia in 1900, by Queensland in 1908, and by Tasmania in 1910. In England minimum wage boards were established in four industries in 1910, and extended in 1913 to four other larger and more important ones, the whole coal mining industry of England and Wales having also been brought under this legislation. The success of the boards in Australia is shown by their continuous increase from five boards in 1896 to 143 boards in 1913.

In this country State Commissions have determined minimum wage rates in Oregon, Massachusetts and Minnesota, and are preparing to do so in California, Colorado, Nebraska and Wisconsin. Commissions of inquiry on the subject have reported in Ohio, Indiana, Louisiana and Connecticut. The movement for such legislation is, therefore, beyond the State of mere agitation or discussion. Its usefulness and practicability is proven in various parts of the world.

I shall not take up your time to go into the various economic objections that have been urged against the adoption of a minimum wage and the answers thereto. They are discussed fully in the fourth report of the Factory Commission, copies of which you will find in your own library. * * *

(Signed) ALFRED E. SMITH.

106

ADDENDUM 2.

Pending Bill.

STATE OF NEW YORK.

No. 18. Int. 18.

107

IN ASSEMBLY,

January 8, 1923.

Introduced by Mr. HAMILL — read once and referred to the Committee on Labor and In-
108 dustries.

AN ACT

To amend the labor law, so as to protect the health and welfare of women and minor workers by establishing a minimum wage board and providing for the determination of living wages for women
109 **and minors.**

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter fifty of the laws of nineteen hundred and twenty-one, entitled "An act in relation to labor, constituting chapter thirty-
110 one of the consolidated laws," is hereby amended by adding thereto after article three a new article, to be article three-a thereof, and to read as follows:

Pending Bill. 111

ARTICLE 3-A.

MINIMUM WAGE BOARD.

Section 114. Definitions.
115. Minimum wage board.
116. Secretary and other employees.
117. Salaries and expenses.
118. Sessions of board. 112
119. Powers of individual member.
120. Rules.
121. Technical rules of evidence or procedure not required.
122. Issuance of subpoenas; penalty for failure to obey.
123. Depositions. 113
124. Labor department to furnish statistics.
125. Register of women and minors.
126. Examination of books and records.
127. Investigation of wages paid to women and minors.
128. Creation of wage conference. 114
129. Determination of wage conference.
130. Action of board.
131. Special licenses.
132. Reconsideration of wage determinations.
133. Court review.
134. Penalties. 115
135. Civil action by employee.
136. Improper discharge of employees.
137. Construction of act.

§ 114. Definitions. Where used in this article,

a. " Board " means the minimum wage board created by section one hundred and fifteen;

b. " Woman " means a female of eighteen years of age or over;

c. "Minor" means a person of either sex under the age of eighteen years;

d. "Occupation" includes a business, industry, trade or branch thereof, but shall not include domestic service;

e. "Living wage," "living wages," "minimum wage" or "minimum wages" mean wages sufficient to supply the necessary cost of living, and to maintain the worker in health.

§ 115. Minimum wage board. There shall be in the department a minimum wage board, consisting of three members to be appointed by the governor, by and with the advice and consent of the senate, at least one of whom shall be a woman and one of whom shall be designated by the governor as chairman. The members shall be so chosen that one will be known to represent employers, one to represent employees and one the public. The state industrial commissioner shall also be an ex-officio member of the board but shall not have a vote on orders, decisions or determinations. The term of office of members of the board shall be for four years, except that the first members thereof shall be appointed for such terms that the term of one member shall expire on January first, nineteen hundred and twenty-four, one on January first, nineteen hundred and twenty-six, and one on January first, nineteen hundred and twenty-eight. Successors shall be appointed in like manner for a full term of four

years. Vacancies shall be filled in like manner by 121
appointment for the unexpired term. The board shall have an official seal which shall be judicially noticed. It shall make an annual report to the Legislature of its investigations and proceedings on or about the first day of February. A majority of the members shall constitute a quorum to transact business and the act or decision of 122
such a majority shall be deemed the act or decision of the board; and no vacancy shall impair the right of the remaining members to exercise all the powers of the board.

§ 116. Secretary and other employees. The board shall appoint and may at pleasure remove a secretary who shall be a woman and who shall 123
not be a member of the board. The board may also appoint and remove such other employees as are needed to carry out the provisions of this act. The authority and duties of all subordinates and employees and their compensation within the limits of the amounts appropriated therefor, shall be fixed by the board. 124

§ 117. Salaries and expenses. The members of the board shall be paid ten dollars for each day's service. The members of the board and their subordinates shall be entitled to their actual and necessary expenses when traveling on the business of the board. All other expenses of the board shall be paid out of the state treasury upon 125
vouchers signed by the chairman.

§ 118. Sessions of board. The board shall hold stated meetings at least once a month during the year and shall hold other meetings at such times and places as the needs of the public service may require, which meetings shall be called by the

chairman or by any two members of the board. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every question and records of its examinations and other official actions which shall be open to the public.

§ 119. Powers of individual member. Any investigation, inquiry or hearing which the board is authorized to hold or undertake may be held or taken by or before any member of the board or the secretary, and the decision, determination or order of a member of the board when approved and confirmed by the board and ordered filed in its office, shall be deemed to be the decision, determination or order of the board. Each member and the secretary shall, for the purposes of this act, have power to administer oaths, certify to official acts, take affidavits and depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records and documents appertaining to or having bearing upon the question of wages, the hours of labor or the conditions of labor of any women or minor workers before the board or before any wage conference created pursuant to this act.

§ 120. Rules. The board shall adopt rules regulating and providing for the method of making investigations and inquiries; the organization and procedure of wage conferences created pursuant to this act; and otherwise for carrying into effect the provisions of this act.

§ 121. Technical rules of evidence or procedure not required. The board or a member or secre-

tary thereof or a wage conference in making an investigation or inquiry or conducting a hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure. 131

§ 122. Issuance of subpoenas; penalty for failure to obey. The board may require by subpoena the attendance and testimony of witnesses, the production of all books, payrolls, records, registers and other evidence relative to any matter under investigation, pursuant to this act, at any hearing, inquiry or investigation, before the board or a member or the secretary thereof, or at any session of any wage conference held as hereinafter provided. A subpoena shall be signed and issued by a member or by the secretary of the board and may be served in the same manner as a subpoena issued out of a court of record. In case of disobedience to a subpoena the board may invoke the aid of a justice of the supreme court in the appropriate district in requiring the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or refusal to obey a subpoena or to testify thereunder the court may issue an order requiring appearance before the board, the production of documentary evidence, and the giving of evidence touching the matter in question, and any failure to obey such an order of the court may be punished by such court as a contempt thereof. 132 133 134 135

§ 123. Depositions. The board may cause depositions of witnesses residing within or without the State to be taken in the manner prescribed

by law for like depositions in civil actions in the supreme court.

§ 124. Labor department to furnish statistics. Upon request of the board the State Industrial Commissioner shall cause the bureau of statistics and information and other bureaus or agencies of the department of labor to gather such statistics and information and to make such inspections and investigations as the board may require.

§ 125. Register of women and minors. Every employer of women and minors engaged in an occupation coming under this act shall keep a register of the names and addresses of and the wages paid to all women and minors employed by him, the occupation of each and the number of hours that they are employed by the day or by the week, and their actual working hours for such periods, and every such employer shall on request permit the board or any of its members or its secretary or agents to inspect such register. Every such employer shall also furnish in writing to the board any information concerning the foregoing matters that the board may require.

§ 126. Examination of books and records. The board shall have power through any member or authorized representative or through any employee of the department assigned for that purpose by the industrial commissioner, (a) to enter the place of business of any employer of women or minors in an occupation coming under this act for the purpose of inspecting and examining any and all books, payrolls and other records that in any way appertain to or have a bearing

upon the question of wages or hours of labor of any such women or minor workers and for the purpose of ascertaining whether its orders have been and are being complied with and (b) to require from any such employer full and correct statements in writing, when the board so deems necessary of the wages paid to, and the hours of labor of all women and minors in his employ.

§ 127. Investigation of wages paid to women and minors. It shall be the duty of the board and it shall have power to investigate wages and working conditions in any occupation in the state in order to determine whether wages are paid to women and minors employed therein which are inadequate to supply them with the necessary cost of living, and to maintain them in good health.

§ 128. Creation of wage conference. If after such investigation the board has reason to believe that a substantial number of women and minors employed in the occupation investigated receive wages inadequate to supply them with the necessary cost of living, and to maintain them in health, the board shall appoint a wage conference consisting of an equal number of representatives of employers and employees in the occupation in question and of one or more disinterested persons to represent the public. The board shall designate the chairman from among the representatives of the public and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and of the determination of the wage conference. The members of wage confer-

ences shall be allowed the necessary traveling and clerical expenses incurred in the performance of their duties, which shall be paid as are the expenses of the board. One or more members of the board shall serve on every wage board without the right to vote in its determinations.

§ 129. Determination of wage conference. Each wage conference shall have access to all the statistics and information gathered by the board with reference to the cost of living throughout the state and to wages and conditions in any occupation under investigation and any other data pertinent thereto. Each wage conference shall, after a careful investigation and after such public hearings as it finds necessary, determine the amount of the minimum wage, whether by time rate or piece rate, adequate to supply the necessary cost of living and to maintain in health a female employee in such occupation or any or all of the branches thereof, and shall also when it appears proper and necessary determine suitable minimum wages for learners and apprentices and for minors, and the maximum length of time any woman or minor may be kept at such work as a learner or apprentice. It shall also determine the maximum amount that may be deducted from the minimum wage for board or lodging furnished by the employer. It may make different determinations for the same occupation in different localities when it finds that difference in the cost of living in different localities justifies such different determinations. If the majority of the members of the wage confer-

ence agree upon such wage determinations, they shall report them to the board together with a statement of the reasons therefor and the facts relating thereto.

§ 130. Action of board. If the board deems proper, it may, after it receives the report of the wage conference recommit the subject or any part thereof to the same or to a new wage conference. If the report of a wage conference is accepted by the board, a summary of its findings and determination shall be published in the bulletin of the labor department and in such other manner as the board may deem advisable. Copies of the full report of the wage conference, shall be kept on file at the office of the board and open to public inspection. The board shall hold one or more public hearings on the report of the wage conference, notice of which shall be published in such newspapers as the board may prescribe, at least once, not less than thirty days prior thereto. After the public hearing or hearings the board shall make and render such an order as may be proper or necessary to adopt such minimum rates and carry the same into effect. The board in its order may fix different minimum rates for the same occupation in different localities when it finds that difference in the cost of living in different localities justifies the same. All orders of the board shall take effect not less than thirty days nor more than sixty days from the date of entry thereof, and shall require all employers in the occupation affected thereby to observe and comply with said order. After said order becomes effective, it

shall be unlawful for any employer to violate or disregard any of the terms or provisions thereof or to employ any woman worker or minor in any occupation covered by said order for lower wages than are authorized or permitted therein. A summary of the findings of the board and its determinations and orders shall be published in the bulletin of the labor department and in such newspapers as the board may prescribe and in such other manner as the board may deem advisable. Every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers or minors are employed. If the wage conference fails to submit a report within reasonable time fixed by the board, the subject may be referred to a new wage conference or the board itself may proceed to hold a public hearing and determine the amount of the minimum wage in the manner hereinbefore provided.

§ 131. Special licenses. In any occupation or branch thereof in which a minimum time rate of wages only has been fixed, the board may issue to a woman whose earning capacity has been impaired by age or otherwise, a special license authorizing her employment for a wage less than the legal minimum wage. The board may also issue to a learner or minor lawfully employed in any occupation or branch thereof a license authorizing his or her employment for a wage less than the legal minimum wage and shall fix the minimum proportion of learners and minors to the total working force permitted in any estab-

lishment, with due regard to the maintenance of the standards of health and welfare protected by this act.

§ 132. Reconsideration of wage determinations. Whenever a minimum wage rate has been established in any occupation, the board may, upon petition of either employers or employees, or upon its own motion, reconvene the wage conference or establish a new wage conference, and any recommendations made by such wage conference or action thereby shall be dealt with in the same manner as the recommendation or act of a wage conference as originally created.

§ 133. Court review. All questions of fact arising under the foregoing provisions of this act shall, except as otherwise herein provided, be determined by the board and there shall be no appeal from the decision of the board on any such question of fact; but there shall be a right of appeal from the board to the appellate division of the third department from any ruling or holding on a question of law included in or embodied in any decision or order of the board.

§ 134. Penalties. Any person who violates any of the foregoing provisions of this act or any of the orders of the board thereunder shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each offense by a fine of not less than fifty dollars nor more than two hundred and fifty dollars, or by imprisonment for not less than ten days nor more than three months, or by both such fine and imprisonment.

§ 135. Civil action by employee. If any employer shall pay an employee less than the minimum wage to which said employee is entitled under or by virtue of an order of said board, said employee may recover in a civil action against the employer full amount of said minimum wage less any amount actually paid to said employee by said employer, together with such attorney's fees as may be allowed by the court; and any agreement by said employee to work for less than such minimum wage shall be no defense to such action. The board may when it deems necessary take assignments of wage claims arising pursuant to its orders and in its name for the benefit of the employees, present actions for the collection thereof.

§ 136. Improper discharge of employees. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified or is about to testify, or has served or is about to serve upon a wage conference, or is or has been active in the formation thereof, or has given or is about to give information thereof, or has given or is about to give information concerning the condition of such employee's employment, or because the employer believes that the employee may testify or may serve upon a wage conference, or may give information concerning the conditions of the employee's employment in any investigation or proceeding relative to the enforcement of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not more than two

hundred and fifty dollars, or by imprisonment for not less than ten days nor more than three months, or by both such fine and imprisonment. 171

§ 137. Construction of act. This act shall be known as the minimum wage law of the State of New York. The purposes of the act are to protect the women and minor workers of the state from conditions detrimental to their health and welfare resulting from wages which are inadequate to maintain decent standards of living; and the act in each of its provisions and in its entirety shall be interpreted to effectuate these purposes. 172

§ 2. Section one hundred and thirty of such chapter is hereby renumbered to be section one hundred and forty. 173

§ 3. Section one hundred and thirty-one of such chapter is hereby amended to read as follows:

§ **[**131**]** *141.* Employment of children between the ages of fourteen and sixteen. No child between fourteen and sixteen years of age shall be employed in or in connection with or for any factory, establishment or business specified in subdivision one of section one hundred and **[**thirty**]** *forty*, unless an employment certificate as provided by section six hundred and thirty-one of the education law is kept on file in the office of the employer at the child's place of employment. 174 175

§ 4. This act shall take effect immediately.

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IN THE

Supreme Court of the United States

No. 795.

JESSE C. ADKINS, ET AL., *Appellants*,

vs.

CHILDREN'S HOSPITAL, *Appellee*.

No. 796.

JESSE C. ADKINS, ET AL., *Appellants*,

vs.

WILLIE A. LYONS, *Appellee*.

MOTION TO APPEAR AS AMICUS CURIAE.

HERMAN L. EKERN,
Attorney General for the State of Wisconsin.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

IN THE

Supreme Court of the United States

No. 795.

JESSE C. ADKINS, ET AL., *Appellants*,

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No. 796.

JESSE C. ADKINS, ET AL., *Appellants*,

vs.

WILLIE A. LYONS, *Appellee*.

MOTION TO APPEAR AS AMICUS CURIAE.

Now comes the State of Wisconsin, by its Attorney General, and the Industrial Commission of Wisconsin, by its counsel, the Attorney General of the said State, and ask leave as a friend of the Court to participate in the oral argument of the above entitled causes, and for leave to file a brief on behalf of the appellants therein.

HERMAN L. EKERN,
Attorney General for the State of Wisconsin

Service of copy acknowledged:
January 23, 1923,
CHALLEN B. ELLIS,
Counsel for Appellees.

IN THE

Supreme Court of the United States

No. 795.

JESSE C. ADKINS, ET AL., *Appellants*,

vs.

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vs.

WILLIE A. LYONS, *Appellee*.

MOTION TO APPEAR AS AMICUS CURIAE.

Now comes the State of Kansas, by its Attorney General, and asks leave as a friend of the Court to file a brief on behalf of the appellants in the above entitled causes.

CHARLES B. GRIFFITH,
Attorney General of the State of Kansas.
By F. H. STEPHENS.

Service acknowledged.
February 19, 1923.
CHALLEN B. ELLIS,
Counsel for Appellees.

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IN THE

Supreme Court of the United States

No. 795

JESSE C. ADKINS, *et al.*, Constituting the Minimum Wage Board of the District of Columbia, *Appellants*,

v.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, A Corporation, *Appellee*.

No. 796

JESSE C. ADKINS, *et al.*, Constituting the Minimum Wage Board of the District of Columbia, *Appellants*,

v.

WILLIE A. LYONS, *Appellee*.

BRIEF OF AMICI CURIAE

HERMAN L. EKERN,
Attorney General of the State of Wisconsin,

J. E. MESSERSCHMIDT,
Assistant Attorney General,

FRED M. WILCOX,
Chairman, Industrial Commission of Wisconsin,
AMICI CURIAE.

INTRODUCTION

The State of Wisconsin appears as amicus curiae in this action because a decision against the constitutionality of the act involved in this action may directly affect the constitutionality of the Minimum Wage Law of Wisconsin.

The Wisconsin law was enacted in 1913. It is administered by the Industrial Commission. The law provides for investigations, hearings, and the making of orders in a manner quite similar to that provided for under the act relating to the District of Columbia. Investigations were begun by the minimum wage board and hearings were had preliminary to the making of orders fixing minimum wages for women and children.

In view of the questions which were raised with regard to the constitutionality of the Oregon law, which questions were considered and decided upon in the case of *Stettler v. O'Hara*, 69 Oregon 519, 537, and in *Stettler v. O'Hara*, 243 U. S. 629, the commission did not attempt to make any order until the case had been finally decided in the Supreme Court of the United States on April 9, 1917.

Soon after this decision, on June 27, 1919, an order was made fixing the minimum wage for women providing:

1. A minimum wage of not less than 22c per hour for an experienced female or experienced minor over seventeen years of age.

2. Not less than 18c per hour during the first three months of learner's period, and not less

than 20c per hour for the second period of three months.

3. Permit children between sixteen and seventeen years of age who have completed three months in the industry not less than 20c per hour, and permit children producing the same output as employes in a higher wage classification not less than the minimum wage rates for such class (This was later amended).

4. Define experience and learning period.

5. Percentage of those receiving less than 22c limited to 25% of total employes.

6. Allowance for board and lodging.

7. Payment on the piece basis or system other than time rate.

8. Posting copy of the order in a conspicuous place in the work room.

Special orders and concessions were subsequently made to meet the particular difficulties encountered in telephone industries, hospitals and sanitariums, tobacco stemming warehouses, and beauty parlors, and on the 28th day of June, 1921, a further general order was made.

After investigation, the Advisory Wage Board unanimously recommended fixing the minimum wage rate at 25c per hour in all cities with a population of 5,000 and over, and at 22c per hour in other places. Investigation showed that the minimum wage effective August first, 1919, as well as the one established August first, 1921, was considerably below the market wage.

Purpose of the Law

The law was not intended to supplant collective or individual bargaining of employers and employes as to wages, but was to meet certain oppressive conditions, and aid those who were in disadvantageous positions to make contracts with employers. It was to protect the minors and women in a more scientific way from that attempted under the older laws. Contracts by minors and women have always been subject to restrictions and regulations, in order to protect the individual and, indirectly, the people in general.

It was to stop the exploitation of those who are not able to protect themselves, to place the two parties to the contract of wages on a par, and restrain the oppressor from making unconscionable contracts, which must necessarily have the effect of forcing its victims to unlawful and immoral practices and becoming a burden and danger to society. It aimed to strike at the lowest scale of wages, and leaves those receiving a fair compensation to the laws of competition. It was also intended to put this competition on a more equitable and higher plane.

The fact that women have not received and do not receive equal pay with men for equal work is universally recognized. Thus, the War Labor Conference Board, under date of March 29, 1918, said, in its official report:

> "If it shall become necessary to employ women on work ordinarily performed by men, they must be allowed equal pay for equal

work and must not be allotted tasks disproportionate to their strength."

Result

The result shows that the Minimum Wage Law has been a potent cause in raising the lower end of the wage scale to the level of the cost of living. In some industries it decreased the number of hours of labor during the week. It increased the wages of telephone operators 33 1/3%, as a whole. In some industries, the whole wage scale was affected. These are tobacco stemming, small telephone exchanges, stores in rural districts and small cities, and home workers. Learners are more rapidly developed under this law than before and the result has not been to displace women by men nor minors by adults, and the Wisconsin-made knitted products are not hampered by competition, as a result of this law.

When the Minimum Wage Order was made in June, 1919, the Wisconsin legislature was in session, and two successive legislatures have been in session since. But so satisfactory have been the results obtained under the Minimum Wage Orders that it has given universal satisfaction. No attempt has been made to repeal or weaken the law. Not a single bill has been introduced into either house of the legislature to repeal or restrict the operation of the law, and there have been no appeals whatever to the courts from any order of the Commission, under the law.

THE WISCONSIN MINIMUM WAGE ACT

HISTORY

Ch. 712 of the Wisconsin Session Laws of 1913 makes it a requirement in Wisconsin that all employers of women and minors shall pay to such women and minor employes a living wage. The term "living wage" is defined in the statute as "compensation for labor paid whether by time, piece-work, or otherwise, sufficient to enable the employe receiving it to maintain himself or herself under conditions consistent with his or her welfare." The only women and minors excepted are regularly indentured apprentices and those who are unable to earn the living wage, to whom a special license may be granted by the Industrial Commission fixing a wage commensurate with their ability.

Employers aid in determining living wage

This law made it the duty of the Industrial Commission to determine, after investigation, the living wage for women and minor employes. It also provided that the Commission appoint an Advisory Wage Board selected so as to fairly represent employers, employes, and the public, to assist in its investigations and determinations.

Action by Commission postponed to await decision in Oregon Case, 243 U. S. 629

In 1914, the Commission made a state wide investigation to determine the actual cost of liv-

ing of self-supporting women, and an Advisory Wage Board was organized at that time. No action was taken because of the question regarding the constitutionality of the law, until after the decision of *Stettler v. O'Hara,* 69 Ore. 519 was affirmed in the United States Supreme Court (243 U. S. 629).

Commission petitioned to act

The Wisconsin Federation of Labor, The Women's League of Wisconsin, and The Central Council of Social Agencies, in Milwaukee, on May 21, 1918, filed a verified petition alleging that women and minor employes in the state were being paid less than a living wage, and asking the Industrial Commission to proceed with a determination of the living wage. An Advisory Wage Board was then organized by the Industrial Commission, the employer and employe members of which were nominated by the principal organizations of employers and employes of the state. The representatives of the public were selected after a conference with the representatives of the employers and employes.

Immediately after the organization of this Advisory Wage Board, investigations were made under its direction by the Women's Department of the Industrial Commission, to determine the cost of living of self-supporting women employes.

Public hearings and final report

After the completion of these investigations, public hearings were held in different sections the state. At each of these hearings members of the Advisory Wage Board were present, in addition to the members of the Commission. Following these hearings all of the evidence was considered by the Advisory Wage Board, and at a meeting held on June 20, 1919, this Board made its final recommendations to the Industrial Commission. In accord with the final recommendations made by the Advisory Wage Board, the Industrial Commission on June 27, 1919, adopted the minimum wage order No. 1 reading as follows:

ORDER

1. No employer shall employ any experienced female or experienced minor employe over 17 years of age, in any occupation, trade, or industry throughout the state at a wage rate of less than 22 cents per hour.

2. During the first three months of the learning period, the wage paid shall not be less than 18 cents per hour. During the second three months of the learning period, the wage paid shall not be less than 20 cents per hour.

3. Permit children shall be paid a wage of not less than 18 cents per hour. Permit children between 16 and 17 years of age who have completed three months in the industry shall be paid not less than 20 cents per hour. Permit children producing the same output as employes in a higher wage classification

shall be paid not less than the minimum wage rate for such class.[1]

4. For the purpose of this order employes shall be deemed experienced after six months of employment in the trade or industry, whether for the same employer or for different employers. In seasonal industries operating only for a few months during the year no learning period is recognized, and all female and minor employes in such industries shall be paid a wage of not less than 22 cents per hour.

5. The total number of employes in any establishment who receive wages below 22 cents per hour, but not including indentured apprentices, shall not exceed 25% of the total number of women and minor employes normally employed.

6. Where board or lodging is furnished by the employer as part payment of wages, an allowance may be made therefor of not more than $4.50 per week for board and $2.00 per week for lodging.

7. Where payment of wages is made upon a piece basis or system other than time rate, the actual wage shall not be less than that provided for in this order.

8. Every employer employing females or minors shall keep posted a copy of this order, on a form prescribed by the Commission, in a conspicuous place in the general

---

[1]This paragraph was amended on August 4, 1919, to read as follows: "3. Minors between 14 and 16 years of age shall be paid a wage of not less than 18 cents per hour. Minors between 16 and 17 years of age shall be paid not less than 20 cents per hour, if they have been employed in the industry for three months or more; otherwise, they shall be paid not less than 18 cents per hour. Minors producing the same output as employes in a higher wage classification shall be paid not less than the minimum wage rate for such class."

work room and in the women's dressing rooms.

Operation of the order

The living wage thus determined by the Industrial Commission was made uniform throughout the state. Very difficult questions at once arose upon the application of the minimum wage order to particular industries.

Difficulty in telephone industry

The most difficult of these problems was presented by the telephone industry. There are over five hundred telephone companies with independent exchanges in Wisconsin and at least forty-three of these have less than one hundred telephones. At practically all of these exchanges, no matter how small, some class of service is rendered for twenty-four hours of the day. However, in the smaller exchanges this service is intermittent, and even in many larger exchanges there are but few night calls and the operators get considerable periods of uninterrupted rest. The principal question for determination was the number of hours for which the telephone companies should pay their operators.

Telephone order made

A final order was made in this matter on Jan. 20, 1920, the underlying principle of which was that the telephone company must pay their

operators for all of the time which they can not employ productively in some other work, while the night operators must be paid for all of the time they do not get uninterrupted rest (Order No. 2).

The telephone order reads as follows:

1. Day Period. For the 16 hour period, 6 A. M. to 10 P. M. of the same day, telephone exchanges shall pay their operators as a minimum for the number of hours indicated in the following schedule:

SIZE OF EXCHANGE	BASIS OF PAY
Under 200 telephones,	11/16 of the time on duty.
200-219 telephones,	12/16 of the time on duty.
220-239 telephones,	13/16 of the time on duty.
240-259 telephones,	14/16 of the time on duty.
260-274 telephones,	15/16 of the time on duty.
275 telephones and more,	time on duty.

2. Night Rest Period. For the 8 hour period 10 P. M. of one day to 6 A. M. of the following day telephone exchanges shall pay their operators for all of the time they are subject to call which is not included within the longest period of uninterrupted rest which the operators get on at least two-thirds of the nights they are on duty, but no exchange having night service shall pay its operators for a lesser number of hours than is indicated in the following schedule:

SIZE OF EXCHANGE	BASIS OF PAY
Under 300 telephones,	2/8 of the time subject to call.
300-499 telephones,	3/8 of the time subject to call.
500-624 telephones,	4/8 of the time subject to call.
625-749 telephones,	5/8 of the time subject to call.
750-874 telephones,	6/8 of the time subject to call.
875-999 telephones,	7/8 of the time subject to call.
1000 telephones or more,	time subject to call.

(*Illustration*: An exchange of 350 subscribers in which the longest period of uninterrupted rest on 2/3 of the nights is 5 hours or more, is required to pay for only the minimum of 3 hours. If in such an exchange the longest period of uninterrupted rest which prevails 2/3 of the time is only 4 hours, the exchange must pay its operators for 4 hours; if the operators get only 2 hours of uninterrupted rest, they must be paid for 6 hours.)

Difficulties in exchanges in private residences

3. In telephone exchanges which are located in a private residence and operated by the members of the household, the payment of a wage for the operation of the switchboard of 50c per month per phone, will be regarded as a compliance with the minimum wage law, but if outside help is employed, such help must be paid upon the basis out-

lined in the first two paragraphs of this order.

4. In determining the classification of an exchange, all telephones for which switching is done must be counted, whether they are those of subscribers of the company owning the exchange, or those of some other company.

5. All telephone companies not later than March 1, 1920, shall make a report to the Industrial Commission showing the schedule of the hours of labor of their operators in force on February 1, 1920, the wage rates which they paid to each of these operators on that date, and all adjustments they have made of any back pay which may be due to their women and minor employes under General Order Number 1, made pursuant to the minimum wage law, which became effective August 1, 1919. Upon application, the commission will consider what is a fair adjustment of the pay of operators in exchanges located in separate offices which have less than 100 telephones, for the six months period from August 1, 1919, to January 31, 1920, and will deal with this problem by special orders.

Difficulties in hospitals and sanitariums

In addition to the telephone industry, there were other industries that required modification of the minimum wage law because of the peculiar conditions existing in such industries. In hospitals and sanitariums the question of the number of hours for which compensation should be paid arose. After a public hearing, the Advisory Wage Board recommended, and the Com-

mission adopted, an order requiring that the attendants should be paid a minimum wage for fifty-five hours per week as a maximum (Order No. 3).

Sweat shop workers

The Commission also issued an order providing that home workers, or sweat shop workers so-called, shall be paid such piece rates as shall yield the women and minor employes of the same employers who are of average ability and are employed in the factory, a minimum wage (Order No. 4).

Difficulties in tobacco stemming warehouses

In the tobacco stemming warehouses of the state it was found that a much larger percentage of elderly women was employed than in other industries. In lieu of the minimum wage computed on the hourly basis, tobacco warehouse owners were authorized to pay three and one-half cents per pound for stripping tobacco (Order No. 6).

Difficulties with learners in beauty parlors

Learners in beauty parlors were declared not subject to the minimum wage during the first two months (Order No. 7). This concession was granted on the grounds that the training received was peculiarly valuable and that the learners were of practically no value to the establishment during the first two months.

Petition for new orders and new investigations

On November 18, 1920, the Wisconsin Federation of Labor, the Central Council of Social Agencies of Milwaukee, and the Wisconsin Consumers League filed a new petition asking the Commission to revise the order and establish a minimum wage "more commensurate with a proper living standard." After the filing of this petition, investigations as to the changes in the cost of living since the adoption of the first order were made by the Women's Department of the Commission and hearings were held at the various points as to the cost of living in various sections. At the conclusion of the hearings, the Advisory Wage Board unanimously recommended to the Commission that the minimum wage rate should be fixed at twenty-five cents per hour in all cities with a population of five thousand or over, and at twenty-two cents per hour in cities, towns and villages with a lesser population.

Revised minimum wage orders

In accordance with this recommendation, the Industrial Commission on June 28, 1921, issued revised minimum wage order No. 1 as follows:

DEFINITIONS

1. An "experienced" employe is one who has worked six months or more in the trade or industry, whether for the same employer or different employers. Other employes are classified as "inexperienced."

A "seasonal industry" is one which reg-

ularly operates only a few months or less during the year.

The clause "cities with a population of 5,000 or more" includes communities and isolated establishments which are within the industrial area of such cities, although outside their territorial limits.

In determining the population of cities, the census of 1920 is controlling.

WOMEN EMPLOYEES 17 AND OVER—BOYS OVER 17

2. No employer shall employ any female over 17 years of age or any boy between 17 and 21 years of age in any occupation, trade, or industry, not a seasonal industry, at a lesser hourly rate than is indicated below:

Experienced employes in cities with a population of 5,000 or more..	25c
Experienced employes elsewhere...	22c
Inexperienced employes during the first 3 months in the industry.	16c
Inexperienced employes during the second 3 months in the industry	20c

BOYS AND GIRLS, 14 AND 15 YEARS OF AGE

3. Minors between 14 and 16 years of age shall be paid a wage of not less than 16c per hour during the first year of their employment in any occupation, trade, or industry, not a seasonal industry, and 20c per hour thereafter.

Minors between 16 and 17 years of age shall be paid a wage of not less than 20c per hour if they have been employed in the industry for six months or more; otherwise they shall be paid not less than 16c per hour.

Minors producing the same output as em-

ployes in a higher wage classification shall be paid not less than the minimum wage rate for such class.

SEASONAL INDUSTRIES

4. In seasonal industries all female and minor employes must be paid not less than 25c per hour in cities having a population of 5,000 or more, and not less than 22c per hour in other parts of the state.

LIMITATION UPON NUMBER OF LEARNERS

5. The total number of employes in any establishment who receive wages below those prescribed for experienced employes in subdivision 2 of this order, but not including indentured apprentices, shall not exceed 25 per cent of the total number of women and minor employes normally employed.

ALLOWANCE FOR BOARD AND LODGING

6. Where board and lodging is furnished by the employer as part payment of wages, an allowance may be made therefor of not more than $5.25 per week for board and $2.50 per week for lodging in cities with a population of 5,000 or more and of not more than $4.50 per week for board and $2.00 per week for lodging in other parts of the state.

PAYMENT OF WAGES ON OTHER THAN TIME BASIS

7. Where payment of wages is made upon a basis or system other than time rate, the actual wage shall not be less than provided

for in this order, but if the piece rates paid for any particular kind of work yield to 75 per cent of the experienced women and minor employes over 17 years of age employed thereon three cents per hour more than the rate prescribed for such employes in sub-division 2 of this order, then such piece rates are deemed adequate for such experienced employes and differences between earnings at these rates and the prescribed hourly rates do not have to be made up by the employer.

RECORDS TO BE KEPT BY THE EMPLOYER

8. Each employer shall keep for the inspection of the commission and its deputies records showing the following facts, concerning each female and minor employe:

1. Name and address.
2. Age.
3. Date of birth of all minors.
4. Date of entering and leaving employ and cause of leaving.
5. Experience at date of entering.
6. Time of beginning and ending each day and total number of hours worked per day.
7. Wages paid, per payroll period.
8. Output of employe, if production records are kept.

POSTING OF ORDER

9. Every employer employing females or minors shall keep posted a copy of this order, on a form prescribed by the commission, in a conspicuous place in the gen-

eral workroom and in the women's dressing rooms.

WHEN EFFECTIVE

10. This order shall become effective August 1, 1921.

This order and special orders referred to above are in force at the present time.

EXTENT OF THE LAW

The law covers all women and minors who are in receipt of or are entitled to any compensation for labor performed for any employer. As nearly as can be estimated from the United States Census Reports there are one hundred eighty-two thousand females engaged in gainful occupations, and eighty-two thousand males under twenty-one years of age gainfully employed. The only class of employes exempted are apprentices duly indentured under the supervision of the Industrial Commission.

EFFECTS

REPORT OF INDUSTRIAL COMMISSION TO ATTORNEY GENERAL OF WISCONSIN, FEBRUARY 10, 1923

General

Because of the fact that a statistical study was not made of the wages paid female and

minor employes prior to the date the first minimum wage order went into effect, an exact statistical statement of the effect of the minimum wage can not be made. However, some of the results have been so obvious that the Commission feels warranted in making certain definite statements regarding the results of the law.

In April, 1921, and April, 1922, a study was made of wages paid minors and female employes. The 1921 study covered 32,689 such employes, and the 1922 study covered 46,998. These studies showed that the minimum wage effective August 1, 1919, as well as the one established August 1, 1921, was considerably below the market wage. The following tabulation brings out this fact:

Hourly Wage	*1921*	*1922*
Less than 22 cents	5.1%	6.5%
22c to 25c	13.3%	7.1%
25c to 30c	23.4%	33.5%
30c and over	58.2%	52.9%

Nevertheless, the minimum wage law has been a potent cause in raising the lower end of the wage scale to the level of the cost of living. In certain industries, the entire wage level has been affected.

These industries are tobacco stemming, small telephone exchanges, stores in the rural districts, and small cities, and home work manufacture.

Tobacco stemming warehouses

It was found that tobacco stemming gives employment to an unusually large number of el-

derly women, many of whom are inefficient. On the other hand, it was found that the piece rates paid in most of the warehouses were so low that many other employes, in addition to the elderly women, were unable to make a living wage. After a conference with the officers of the companies which control most of the warehouses in the state, an agreement was reached that would permit all tobacco stemming warehouses to pay their women and minor employes either the time rates prescribed in the minimum wage act No. 1 or hte piece rate of 3 1/2c per pound which was one-half cent per pound more than the rate paid at most of the warehouses.

After this rate was formally adopted as the minimum wage order No. 6, reports were required from all the tobacco warehouses to make certain that back pay to August 1, 1919, was given to all women and minor employes who were paid less than the time rates of minimum wage order No. 1. Up to July 1, 1920, no less than 1442 women had been given back pay totaling $5,564.76.

Pea canneries

The situation in pea canneries is somewhat similar to that existing in tobacco stemming. That is, the work is highly seasonal and a large number of women are employed who ordinarily do not work outside the house. Thus, a supply of labor is tapped which is not available for regular employment and which may be induced to accept a low wage. In 1919, just prior to the es-

tablishment of the minimum wage of 22 cents an hour, 28 of the 90 pea canneries in the state paid some of their workers less than that amount.

Telephone exchanges

The wages in small telephone exchanges, particularly in the rural districts have heretofore probably been lower than in any other industry. The margin of profit of the employing companies has been small, and in many instances, being co-operative, they have not been conducted for profit at all.

Up to July 1, 1920, the Commission through correspondence and visits of deputies succeeded in recovering for 206 women and minor telephone operators a total of $22,439.23 as back pay. From July 1, 1920, to July 1, 1922, additional back pay was recovered for 171 women and minors in the amount of $9,653.55. The increase in wages of some operators as a result of the minimum wage law has been more than 100 per cent and for the industry as a whole has probably exceeded 33 1/3%.

Stores

Stores in the towns, villages, and very small cities of the state, it was found, were paying less than the minimum wage in a great many instances. Some of the strongest opposition to the minimum wage law came from the proprietors of such stores. No tabulation has been made of the back pay collected in these stores.

Even in the stores of the larger cities because

of the long number of hours worked, it was found that the weekly wage reduced to an hourly basis did not yield the minimum wage. The effect was to reduce the number of hours that the stores were kept open. Instead of keeping open two or three nights a week, the stores closed except perhaps on Saturday nights. However, in many towns of the state stores, exclusive of butcher shops and grocery stores, do not keep open any nights. During the summer, many dry goods stores and stores employing a considerable number of women close Saturday afternoons. The Commission therefore feels warranted in making the statement that besides raising wages in the stores, it has also reduced the number of hours worked by women and minors in such stores.

In some of the "chain" stores, wages were found to be exceedingly low, because of the fact that managers were allowed only a certain amount out of which they were obliged to pay the wages of clerks. The inevitable tendency was to depress wages to the utmost.

Home work or sweat shop system

The greatest evil of home work or sweat shop work is low wages. An investigation made in July, 1920, showed that eighteen per cent earned less than ten cents an hour, fifty-four per cent from ten to twenty cents an hour, twenty-two per cent from twenty to thirty cents per hour and six per cent over thirty cents. The minimum wage law of Wisconsin clearly covers the home

work. However, it is a very difficult matter to apply the law because this work is done at odd times and no record is kept of the hours of labor. The Commission, therefore, adopted an order providing that home workers must be paid piece rate which enables piece workers in the factories of average ability to earn a common wage. Where work is done at home which is not done at all in the factories, employers must determine what is the fair rate made in the factories where accurate time records are possible. Before issuing a license to engage in home work, the Commission makes a study of piece rates to determine whether they will yield the minimum wage.

Sweat shop system drives industry out of state

It is only in home work manufacture that the Commission has ever observed that industry was forced out of or kept out of the state, as is so frequently charged. Babies' handmade knitted wear is made to a large extent in New York sweat shops. These articles are sold at a very low price and several prospective manufacturers have come to the Commission for permission to employ home workers on this class of work at less than the minimum wage, contending that they can not compete with the Eastern product. At the present time there is only one manufacturer who has received a permit to give out homework of this kind and the kind of work he gives out is high class sample work. However, the Commission feels that the best interests of

the state are being conserved by the exclusion of a parasitic industry of this character.

Wisconsin factory-made knitted product not hampered in competition

On the other hand, the factory-made knitted product in this state is able to compete with the product of any other state. The census of manufacturers for 1919 shows that the number of knitting factories in this state increased from 68 to 72; the average number of wage earners in such factories increased from 6,244 to 8,736 and the cost of the product increased from $13,292,305.00 to $40,778,000.00 since 1914.

FURTHER EFFECTS

Learners more rapidly developed

In addition to the effects observed in specific industries as outlined above, the Commission has found that the minimum wage law has had the effect of more rapidly developing learners in given trades. Because of the fact that an employer must pay the minimum wage, he tries to develop a learner to the highest point of efficiency as soon as possible.

No displacement of women by men

There has not been a displacement of women by men because of the minimum wage law. This is apparent from the fact that the demand for

women workers at the Milwaukee employment office has increased relatively faster than the demand for men workers, since the establishment of the minimum wage law. The percentage of calls for female help as compared with the total number of calls for help were as follows for the last four fiscal years:

For the year ending June 30, 1919..20.9%
For the year ending June 30, 1920..27.2%
For the year ending June 30, 1921..29.9%
For the year ending June 30, 1922..31.7%

Minors not replaced by adults

It may further be stated that the minimum wage *per se* has not resulted in a replacement of minor employes by adults. During the fiscal year ended June 30, 1919, which was immediately prior to the establishment of the first minimum wage in this state, there were 21,444 child labor permits issued. During the fiscal year ended June 30, 1920, which is immediately subsequent to the starting of the minimum wage, there were 25,333 child labor permits issued.

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In the Supreme Court of the United States.

OCTOBER TERM, 1922.

JESSE C. ADKINS *et al.*, constituting THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA, *Appellants*,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a Corporation.

No. 795.

JESSE C. ADKINS *et al.*, constituting THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA, *Appellants*,

vs.

WILLIE A. LYONS.

No. 796.

BRIEF FOR THE STATE OF KANSAS.

This brief is filed by leave of court because of the interest of the state of Kansas in the questions presented in these cases.

There is a statute of Kansas regulating the subject of wages, hours and conditions of labor of women in industrial occupations. It was enacted in 1915—chapter 275, Laws of Kansas, 1915—and is also set forth in sections 10495 to 10515, inclusive, General Statutes of Kansas, 1915. This was amended by chapter 263, Laws of Kansas, 1921. In the original act powers of administration were vested in an Industrial Welfare Commission. By the act of 1921 these powers were transferred to the Court of Industrial Relations. The latter body was created by chapter 29, Laws of Kansas, 1920, which act taken alone covered labor controversies in occupations affected with a public interest.

By the act of 1915 as amended in 1921, the Court of Industrial Relations is given authority to fix a minimum scale of wages for

women engaged in industries. This power was formerly vested in the Industrial Welfare Commission.

Under this legislation orders have been made fixing minimum rates of wages for women from time to time since the statute of 1915 took effect, and such orders have been enforced.

By Industrial Welfare Order No. 12, of May 19, 1922, relating to women employees in laundries, dyeing, dry cleaning and pressing shops, nine hours was fixed as a maximum for a day's work and forty-nine and a half hours as a maximum for a week's work, with some exceptions both as to a day's work and a week's work, allowing overtime in cases of emergency. Minimum wages of women employees in such places were fixed at $11 per week, where they had served six months' apprenticeship. The apprenticeship period was divided into two spaces of three months each, and the minimum wages for the first three months were $7.50 per week and for the second three months $9 per week.

By Industrial Welfare Order No. 13, May 19, 1922, concerning women employees in manufacturing occupations, nine hours was fixed as a maximum for a day's work and forty-nine and a half hours for a week's work, with some exceptions, allowing overtime in cases of emergency.

Minimum wages were fixed at $11 per week for those who had served an apprenticeship. Lower wages were fixed for the period of apprenticeship, varying from $6.50 per week to $9 per week, according to the variety of the occupation and period of service.

The validity of these two orders fixing minimum wages was contested on constitutional grounds in two cases in the district court of Shawnee county, Kansas, of The Topeka Laundry Company, a corporation, plaintiff, v. The Court of Industrial Relations of the State of Kansas *et al.*, defendants, No. 45,154; and The Topeka Packing Company, a corporation, plaintiff, v. The Court of Industrial Relations, State of Kansas, *et al.*, defendants, No. 45,155. On September 20, 1922, the district court rendered a decision in those cases, upholding the validity of the two orders.

In the case of the Court of Industrial Relations, plaintiff, v. The Charles Wolff Packing Company, defendant, No. 23,702, 109 Kan. 629, opinion filed October 8, 1921, other questions were presented to the court than those here involved, including the validity of some provisions of chapter 29, Laws of Kansas, 1920, above referred to, and the validity of an order of the Court of Industrial Relations fixing minimum wages of both men and women in a meat-packing

plant, which by the statute was declared to be affected with a public interest. The court in its reasoning in the opinion stated, "Laws fixing minimum wages and hours of labor for women are justified on moral and physical grounds," and cited cases where the establishment of minimum wages for women had been held valid. (109 Kan. 643.)

The decision in the last case, which was on other questions than those here presented and sustained the validity of the order made by the Court of Industrial Relations, is before this court in that case, pending on writ of error, set for argument April 23, 1923, entitled The Charles Wolff Packing Company v. The Court of Industrial Relations of the State of Kansas, No. 739, October term, 1922.

Before the enactment of the statute of 1915, the wages paid a large proportion of the women laboring in Kansas industries were below the amount absolutely necessary for their support. Soon after the statute took effect, orders were made thereunder which fixed minimum wages above the minimums they had been receiving, and subsequent orders were made from time to time as prices advanced. At present the wages received by women in Kansas industries are substantially higher, compared to living cost, than they were before the statute of 1915 took effect. Part of this increase has been caused by the general advance in prices and the increased demand for women's labor, as a result of the World War and the participation of the United States therein. Part of the increase has been caused by orders made under the statute. The effect of the operation of the statute and the orders made thereunder, has been to establish minimum wages which at least afford women workers sufficient to pay their economical and absolutely necessary living expenses. The legislation has given general satisfaction in the state and is strongly and steadfastly supported by public opinion. Before the statute, many women workers in industries were not fully self-supporting after the apprenticeship stage, although their work was adequate in amount and well done. The insufficiency of their wages was not due to any deficiency in their labor, but was caused by economic pressure against those workers who were not in a position to contend against it. By the unpaid portion of their labor they helped to support the industries or to give lower rates to the customers of their employers, or both. It was a tribute they were forced to pay to others for the privilege of earning a partial maintenance. No doubt there is something yet to be accomplished in the administration of the law, but it has diminished a glaring injustice, and has

helped competent women workers, doing a full day's work, toward earning their own bare support.

If the protection thus afforded by the state should be abandoned, there would be a relapse in great part to the former unfair and oppressive situation. The ballot which is now possessed by women can only help their condition as workers by means of laws and their enforcement. It is of no avail in the direct industrial struggle, although it is of potency in procuring state regulation.

The number of lines of work in industries which can be done by women is limited. Those classes of work which they are adapted to they in the main perform as well or better than men, but they do not have the range of occupations afforded to men. They are more tied to their homes and families and are not usually free to seek for employment at any other place than their home towns. They do not have the strength or assertion to contest effectively with their employers for better pay or conditions. Their industrial salvation must come, if at all, from the state. The law has always in various forms recognized their disadvantages, and has to some extent in the past protected them against overreaching and imposition. In recent times, in this country, there has been great improvement in their conditions, but the law still recognizes the weakness of their sex. The legislation in many of the states to regulate the hours and conditions of labor and the minimum wages of women has been enacted to protect them against injustice, deprivation and oppression, and has been helpful.

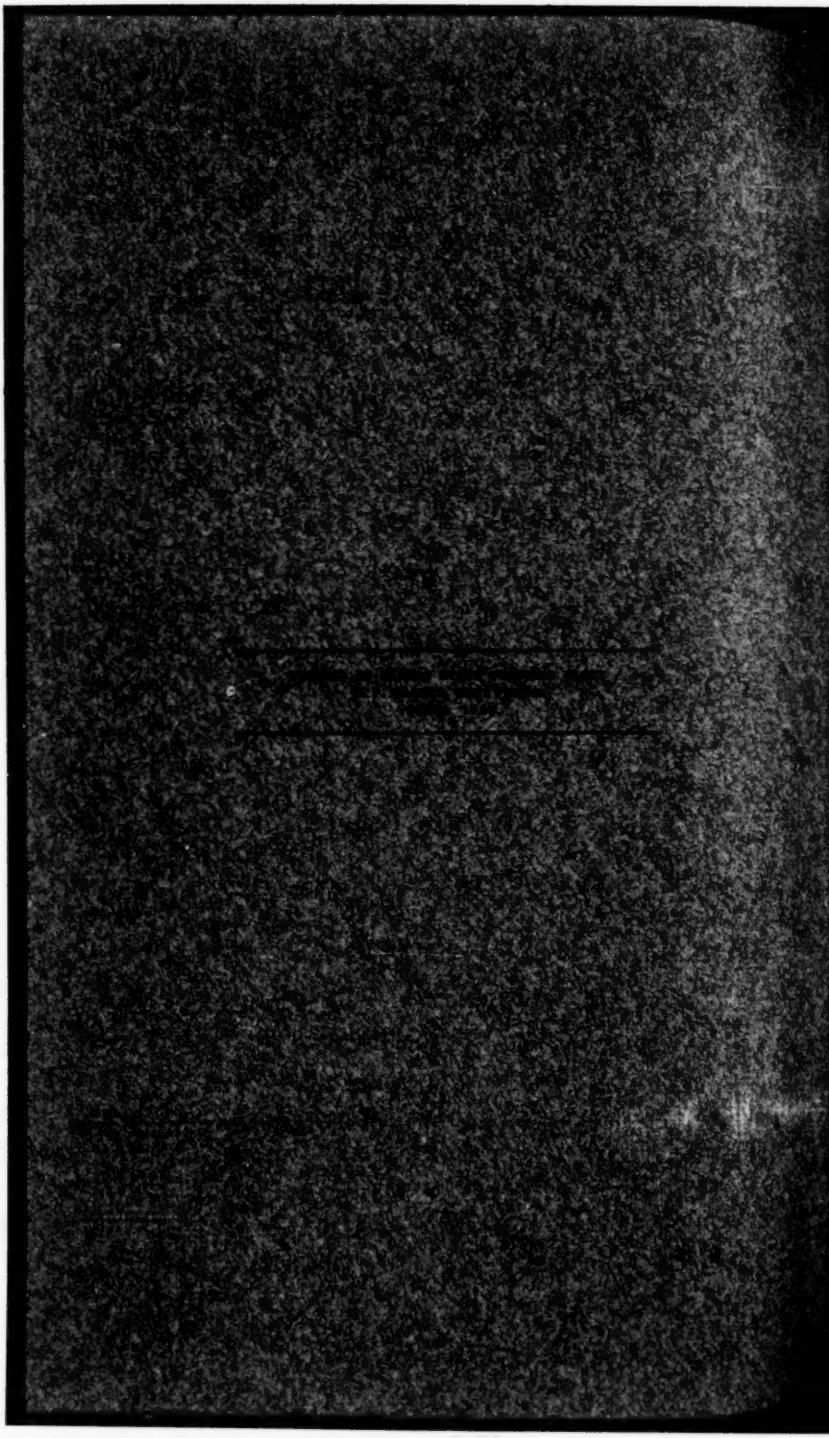
There can be no fundamental right of an employer to obtain any part of the labor of women for which he does not pay. The convenience and profits of employers and cut prices to consumers must yield to the just requirement that women workers should receive sufficient pay for competent and adequate labor to afford them bare self-support. The interests of society call for the enforcement of this principle.

Respectfully submitted,

JOHN G. EGAN,

Assistant Attorney-general of the State of Kansas.

9-5951



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IN THE

Supreme Court of the United States

No. 795.

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vs.

CHILDREN'S HOSPITAL, *Appellee.*

No. 796.

JESSE C. ADKINS, ET AL., *Appellants,*

vs.

WILLIE A. LYONS, *Appellee.*

MOTION TO APPEAR AS AMICUS CURIAE.

U. S. WEBB,
Attorney General for the State of California.
By F. H. STEPHENS.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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MOTION TO APPEAR AS AMICUS CURIAE.

Now comes the State of California, by its Attorney General, and the California Industrial Welfare Commission, by its counsel, the Attorney General of the said State, and ask leave as a friend of the Court to participate in the oral argument of the above entitled causes and to file a brief on behalf of the appellants therein.

U. S. WEBB,
Attorney General for the State of California.
By F. H. STEPHENS.

Service of Copy acknowledged.
January 26, 1923.
CHALLEN B. ELLIS,
Counsel for Appellees.

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Supreme Court of the United States

OCTOBER TERM, 1922.

No. 795 AND No. 796.

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THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, A CORPORATION.

JESSIE C. ADKINS, *et al.*, CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA, APPELLANTS,

vs.

WILLIE A. LYONS.

BRIEF ON BEHALF OF INDUSTRIAL WELFARE COMMISSION OF THE STATE OF CALIFORNIA

HIRAM JOHNSON,
JESSE STEINHART,
Counsel.

AMICI CURIAE.

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SUPREME COURT OF THE UNITED STATES

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vs.

WILLIE A. LYONS.

BRIEF ON BEHALF OF INDUSTRIAL WELFARE COMMISSION OF THE STATE OF CALIFORNIA

INTRODUCTORY.

Almost ten years have elapsed since the enactment of the Minimum Wage Law for women and minors in industry in the State of California. The value of the law has come to be recognized by all sections of our people, employers and employees alike. With the successful, practical operation of the act, no organized opposition to its continuance is known to exist in this State. This brief is confined to a statement of the results of actual experience in the State of California with this legislation. In the face of this experience it would seem clear that such legislation is not arbitrary or spoliative of constitutional

rights, but, indeed, highly essential for the protection of women and children in industry. This brief is filed because of the interest of the State of California in the continued safeguarding of her future motherhood by minimum wage legislation.

HISTORY OF THE MINIMUM WAGE LAW IN CALIFORNIA.

In 1912 certain investigations made by the California Bureau of Labor Statistics as to wages paid to women in the industries of the State, revealed the fact that many women were living below any normal standard, and that such subnormal living was having a most disastrous effect on the health and morals of the women workers.

During 1913 the Legislature of California passed a minimum wage law and created an Industrial Welfare Commission to determine the cost of living and to fix the minimum wage, maximum hours of labor and the proper conditions for women and minors in industry. The same Legislature also submitted to the voters of the State in 1914 the following amendment to the State Constitution, known as Section 17½, Article XX:

> The legislature may, by appropriate legislation, provide for the establishment of a minimum wage for women and minors and may provide for the comfort, health, safety and general welfare of any and all employees. No provision of this constitution shall be construed as a limitation upon the authority of the legislature to confer upon any commission now or hereafter created, such power and authority as the legislature may deem requisite to carry out the provisions of this section.

This amendment was carried by a majority of 84,000 votes.

In 1914 careful studies of the cost of living proved that $9.63 was the minimum cost of proper living. It was also shown that 58.2% of the working women in the major industries of the State received less than $10.00 a week.

In 1915 an exhaustive survey was made of the fruit and vegetable canning industry which showed that this industry employed, during the canning season, the largest number of women workers in any industry in the State. The survey also revealed the fact that wages as low as 10¢ per hour and working days of from 12 to 15 hours prevailed. Following the survey the Commission, in February, 1916, fixed a minimum wage in the fruit and vegetable canning industry of 16 cents an hour for all work performed up to 10 hours a day and 20 cents an hour for all work after ten hours per day. It also fixed a minimum piece rate for the preparation of certain products.

In 1917 and 1918, the Industrial Welfare Commission established a minimum wage of $10 per week in the mercantile, laundry, fish canning, fruit and vegetable packing and canning industries, for general and professional offices, unskilled and unclassified occupations, and the manufacturing industry. Sanitary regulations were also issued to cover these industries.

In 1919 an exhaustive study was made of the cost of living and it was found that $13.57 per week was the least amount that would provide the necessary cost of proper living for a woman worker. During 1919, orders were issued fixing a minimum wage of $13.50 per week in all industries employing women and minor workers, except telephone and telegraph operators whose schedules of wages were then in excess of the minimum wage fixed by the State.

In 1920, as a result of a new study of the cost of living, a $16.00 minimum wage was established in all industries employing women and minors with the exception of the telephone and telegraph industry. Investigations carried on in the latter part of 1922 have resulted in the re-affirming of the $16 a week minimum wage by the Industrial Welfare Commission, and the Commission is now calling a wage board in the telephone and telegraph industry, with a view to issuing a wage order.

I.

SUFFICIENCY OF STATISTICAL DATA HEREINAFTER USED AS BASIS FOR DEDUCTIONS AS TO THE EFFECT OF MINIMUM WAGE ORDERS*

The Industrial Welfare Commission has in its records information gathered over a period of four years and covering from 43,658 women in 2,491 establishments in 1919 to 59,036 women in 4,350 establishments in 1922. In view, therefore, of the large number of women in this survey, this information may be considered conclusive.

A. THE SUB-STANDARD WORKER WHO THROUGH PHYSICAL INFIRMITY OR OLD AGE MIGHT NOT BE KEPT EMPLOYED AT HIGHER RATES, HAS BEEN TAKEN CARE OF BY THE ISSUANCE OF INFIRM WORKERS' PERMITS TO WORK FOR LESS THAN THE MINIMUM WAGE.

To prevent women handicapped by physical infirmity or age from being excluded from industry, the Industrial

*The special attention of the Court is also directed to the data prepared from the Twentieth Biennial Report of the Bureau of Labor Statistics of the State of California by Louis M. Bloch, Statistician of the Bureau of Labor Statistics. See Appendix, pp. 16, 17.

Welfare Commission, in conformance with the law, has issued infirm workers' permits to women to work for less than the legal minimum wage.

During 1922 the Industrial Welfare Commission issued to handicapped women 127 permits to work for less than the minimum wage, in three major industries. This is only twenty-two one hundredths of one per cent of the 58,957 women employed, thus showing that there has been no abuse of this privilege but that protection has been afforded these handicapped workers. There has been no tendency to substitute these workers for workers of ordinary ability at the minimum wage.

B. THE EXPERIENCE OF CALIFORNIA PROVES THAT A WAGE SYSTEM BASED UPON UNREGULATED "COMPETITIVE ABILITY" IS *NOT* JUST AND LEADS TO SUBNORMAL LIVING.

In California in 1914, under a wage system "based on competitive ability", 58.2% of the women workers of the State received less than $10.00 a week, the minimum cost of living at that time.

C. THE EXPERIENCE OF CALIFORNIA HAS DEMONSTRATED THAT A FIXED MINIMUM WAGE DOES *NOT* IN "THE LAST ANALYSIS BECOME A FIXED WAGE" OR A MAXIMUM WAGE. SCHEDULE I.*

Table I, covering 52,326 employees shows that—

1. Only 8.2% of all wage earners included in this table received rates less than $16.00 per week. This group represents the registered apprentices.

*See Appendix, p. 13.

2. 32.9% of all wage earners included in this table received the weekly minimum rate of $16.00.

3. 58.9% of all wage earners included in this table received rates more than the legal minimum rate of $16.00 per week.

D. THE EXPERIENCE OF CALIFORNIA PROVES THAT AN EMPLOYER WHO IS COMPELLED TO ADVANCE THE WAGES OF CERTAIN WORKERS DOES NOT "EQUALIZE THE COST OF OPERATION" BY LOWERING "THE WAGE OF THE MORE COMPETENT TO THE COMMON BASIS." SCHEDULES II AND III.**

In 1917, four months before the $10.00 minimum wage became effective, 41.4% of the women and minor workers in the mercantile industry received less than $10.00 per week, and 14.5% received $16.00 and over per week.

In September, 1917, in the month when the minimum wage of $10.00 became effective payroll studies show that the number receiving less than $10.00 a week had been reduced to 20.3%, while the group receiving $16.00 and over remained practically static, i. e., the wages of those in the groups receiving the minimum and above, were not advanced, but, on the other hand, there was no lowering of the wages in these groups to equalize the cost of operation. However, in each succeeding payroll study it was found that the per cent of women in the higher wage groups constantly increased and there was a corresponding decrease in the per cent of women in the lower wage groups, showing that a complete upward re-

**See Appendix, pp. 14, 15.

adjustment in the wage scale was effected with each advance in the minimum wage.

In March, 1919, three months before the minimum of $13.50 became effective, we find that 22.7% of the women workers received $16.00 and over per week. In July, 1919, the month in which the $13.50 minimum became effective, 26.8% of the women received $16.00 and over per week, an increase of 4.1%.

From payrolls gathered in the Fall of 1920, immediately after the $16.00 minimum became effective, we find 86.9% of the women receiving $16.00 and over per week, and 46.9% receiving over the minimum wage. In March, 1922, 93.9% received $16.00 and over a week and 61% received over the minimum wage.

In further proof of the statement that "an employer who is compelled to advance the wages of certain workers *does not* 'equalize the cost of operation' by lowering 'the wage of the more competent to the common basis' ", the following excerpt from the verbatim report of a public hearing held in San Francisco on December 14, 1922 is given as the view of a large employer of women:

> Question: What, generally, is the effect in an industry such as you are familiar with, of any change in the minimum wage scale in the State of California? When a minimum wage is changed, does it merely change the status of those people directly affected, or is it reflected throughout the industry?
>
> Answer: I can give you the exact effect upon two occasions. The first minimum wage advance that was made in our own establishment meant an immediate increase in wages—I don't remember just how much. The indirect advances we found were in exactly the same sort of proportion.
>
> Question: And why were the indirect advances made necessary?

Answer: For this reason: if you are a superior and I am a subordinate, and you are getting $10 a week and I am getting $9, and the law raises my wage to $11, you, as a superior, aren't going to stand for $10 very long. It means a complete readjustment in any organization where there is organization.

Question: Is that readjustment due to the fact that costs generally are changing and known to be changing, or that there has been some change merely in the minimum wage?

Answer: That is due entirely to the change in the minimum wage.

Question: Taking an institution where the minimum wage does apply, and not your own, where you are paying more than the minimum, and let us assume that there is no addition of cost generally, it is apparent that that one thing has caused a readjustment. But let us say that the minimum wage were adjusted either upward or downward, would that be reflected in that organization or institution, would the amount of those people who would be directly affected affect the situation generally?

Mr. Lubin: It would, absolutely, for the reason I gave, that you have a scheme of organization there, and a relationship of wages. When you raise the lowest, then the lowest is no longer the lowest, and the other fellow goes up. It practically changes your scale of wages, your whole institution, with the exception, maybe, of your highest salaried individuals.

Thus we find from the experience of California, that the opinion delivered by Justice Van Orsdel that—

"A wage based upon competitive ability is just, and leads to frugality and honest industry, and inspires an ambition to attain the highest possible efficiency, while the equal wage paralyzes ambition

and promotes prodigality and indolence. It takes away the strongest incentive to human labor, thrift and efficiency, and works injustice to employee and employer alike, thus affecting injuriously the whole social and industrial fabric. Experience has demonstrated that a fixed minimum wage means, in the last analysis, a fixed wage; since the employer, being compelled to advance some to a wage higher, than their earning capacity, will, to equalize the cost of operation, lower the wage of the more competent to the common basis."

is not sustained by the facts.

II.

THE EFFECT OF CAREFUL ADMINISTRATION OF MINIMUM WAGE LEGISLATION HAS BEEN TO DISARM ANY OPPOSITION AND BRING THE ACTIVE CO-OPERATION OF ORGANIZED EMPLOYERS.

Since 1913, six Legislatures have convened and at no time has any bill been introduced to repeal the Act or materially curb the powers of the Commission. At the present time the Industrial Welfare Commission knows of no organized opposition to this legislation. On the contrary, at public hearings held in San Francisco and Los Angeles in December, 1922, representatives of the largest employers' organizations in the State expressed their entire satisfaction with the existing minimum wage rates and officially requested the Commission to maintain the minimum wage of $16.

The following excerpts are taken from the official stenographic report of the hearings:

MR. I. H. RICE: I appear as spokesman for the Merchants and Manufacturers Association of Los Angeles and the Employing Printers Association of Los Angeles. What I am about to say is the result of my very careful consultation with a great many manufacturers, which is that, as a matter of fact, we have no objection to the present minimum wage. As a further matter of fact, we have very little consideration for the matter of the minimum wage as a dollars and cents proposition, except that we want every working woman to have enough to live on decently and respectably and as an American woman should live. We believe, very sincerely, that our policy of good industrial relations and sound management will overcome many of the difficulties of dollars and cents in the wages paid; and I think I can speak very confidently of the feeling of a large percentage of the manufacturers of the city of Los Angeles when I say that the question of a minimum wage, being largely theoretical, must be established in the best judgment of the duly constituted body for that purpose. It is the law that it must be established, and we are quite willing that it should be established within all reason; and we would like to see it just a little bit more than liberal. That is my message from the Merchants and Manufacturers Association and I think I speak for almost one hundred per cent of the manufacturers of the City of Los Angeles.

MR. W. L. STEVENS, President of the Laundrymen's Association of Southern California: I beg permission to speak for the laundrymen, not only of Los Angeles but of the entire southern part of California, from Fresno to San Diego. We feel that the present minimum wage is as low as it should be under present conditions. I am delegated to state to your honorable Commission that the laundrymen

are one hundred per cent opposed to any reduction of the minimum wage at this time. We feel that the increased wages we are now paying over the wages once paid in the laundry industry are more than made up by the increased efficiency of our people and the type of people we are able to attract to our industry. As a matter of fact, we are paying considerably above your minimum wage now. Our average wage for female labor is way above that. But, for the sake of a few who might seize that opportunity if you lower the minimum, and bring in unfair competition, we hope in your best judgment you will not lower the minimum wage for the women in California.

MR. WM. FRANCIS IRELAND: I represent the cafeterias and bakeries and cafes of Southern California. The cafes, restaurants and cafeterias are well satisfied with the present scale as a minimum. We find since the minimum was put in effect that better wages have been paid and that it has brought a better class of working women into our employ, and we have no desire to break down a proper living scale.

MR. E. A. HOLMES, Secretary of the Associated Apparel Manufacturers: We feel the investigation of your Commission shows that approximately the same cost of living prevails today as did at the time when you fixed the scale at $16 a week minimum, and we do not feel at the present time that there should be any reduction or any change in that minimum. I wish to say that in our industry, which includes the manufacturers of men's, women's and children's apparel, including some seventy leading manufacturers of this city, approximately eighty-five per cent of all the women employees, receive much more than that minimum, in fact in many instances fifty per cent more.

MR. ALFRED E. ADAMS, of the Retail Dry Goods Merchants Association: I desire to echo in substance

all that has been said by the previous speakers, and to declare at this time that the members of the Retail Dry Goods Merchants Association have no desire whatever to see the minimum wage lowered.

The reason for the active cooperation of the employers of the State is that they fully recognize the justice of this legislation. Moreover, a large number of employers believe that the operation of the minimum wage law has put competition on a higher basis of business morality and prevents the cutting of wages by unfair competitors.

This law which sets the wages of women and minors at a level below which no employer may pay has had the effect of stimulating management to make economies in production and distribution instead of trying to reduce costs by lowering the wages of women and minors.

CONCLUSION.

California has set her face squarely against the exploitation of her future motherhood, believing she cannot hold her pre-eminent place as a great progressive State if her citizenship must come from depleted and exhausted mothers. California's experience has justified her action.

Respectfully submitted,

On behalf of

the Industrial Welfare Commission of the State of California.

HIRAM JOHNSON,
JESSE STEINHART,
Counsel.

Amici Curiae.

APPENDIX

SCHEDULE I.—NUMBER, PERCENT AND CUMULATIVE PERCENT OF WOMEN AND MINOR TIME WORKERS RECEIVING SPECIFIED WEEKLY WAGE RATES IN MARCH, 1922, BY INDUSTRIES

4,350 Establishments

Number of Women and Minors Receiving:

Per Week	$8.00 $8.99	9.00 9.99	10.00 10.99	11.00 11.99	12.00 13.49	13.50	13.51 14.99	15.00 15.99	16.00 16.99	17.00 17.99	18.00 19.99	20.00 22.49	22.50 24.99	25.00 29.99	30.00 & over	Total
Mercantile	*51	*44	222	43	624	52	581	292	10267	2977	5794	3921	2020	2222	2049	31150
Manufacturing	.....	.....	34	.....	747	154	742	327	4139	978	2175	1532	545	647	496	12516
Laundry	.....	.....	.....	.....	122	10	167	58	2815	1395	1943	1135	456	455	95	8651
Total	*51	*44	256	43	1493	216	1490	677	17221	5350	9912	6588	3021	3324	2640	52326

Percent of Women and Minors Receiving:

Mercantile	.2	.1	.7	.1	2.0	.2	1.9	.9	32.9	9.6	18.6	12.6	6.5	7.1	6.6	100%
Manufacturing	.....	.....	.3	.....	6.0	1.2	5.9	2.6	33.0	7.8	17.4	12.2	4.4	5.2	4.0	100%
Laundry	.....	.....	.....	.....	1.4	.1	1.9	.7	32.5	16.1	22.5	13.1	5.3	5.3	1.1	100%
Total	.1	.1	5	1	2.9	.4	2.8	1.3	32.9	10.2	18.9	12.6	5.8	6.4	5.0	100%

Cumulative Percent of Women and Minors Receiving:

Mercantile	.2	.3	1.0	1.1	3.1	3.3	5.2	6.1	39.0	48.6	67.2	79.8	86.3	93.4	6.6	100%
Manufacturing	.....	.....	.3	.3	6.3	7.5	13.4	16.0	49.0	56.8	74.2	86.4	90.8	96.0	4.0	100%
Laundry	.....	.....	.....	.....	1.4	1.5	3.4	4.1	36.6	52.7	75.2	88.3	93.6	98.9	1.1	100%
Total	.1	.2	7	.8	3.7	4.1	6.9	8.2	41.1	51.3	70.2	82.8	88.6	95.0	5.0	100%

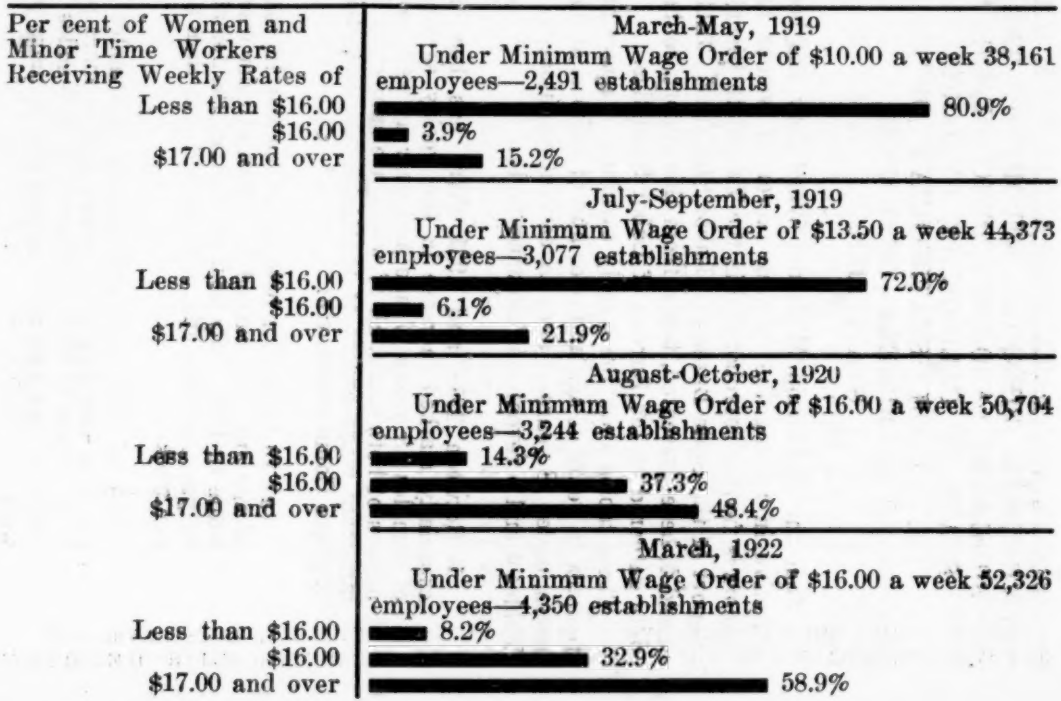
*Special rates for millinery apprentices.

SCHEDULE II.—RATES OF WAGES OF WOMEN AND MINORS IN THE MERCANTILE, LAUNDRY AND MANUFACTURING INDUSTRIES FROM APRIL 1917 TO MARCH 1922, UNDER THE MINIMUM WAGE ORDERS

MERCANTILE INDUSTRY

Date of Payroll	Minimum Wage Order	Percent of Women and Minors Receiving				Number of Employees	Number of Establishments
		Under $10.00	Under $16.00	$16.00	$17.00 & Over		
April 1917	No order	41.4%	85.5%	2.2%	12.3%	14,335	575
Sept. 1917	$10.00	20.3	85.4	2.0	12.5	15,794	575
Mar. 1919	10.00	10.0	77.3	4.0	18.7	21,627	1,336
July 1919	13.50	6.2	73.2	5.0	21.8	23,088	1,605
Aug. 1920	16.00	.4	13.1	40.0	46.9	28,645	1,710
Mar. 1922	16.00	.3	6.1	32.9	61.0	31,159	2,543
LAUNDRY INDUSTRY							
Oct. 1917	No order	56.3%	96.6%	1.0%	2.4%	6,394	270
Jan. 1918	$10.00	22.5	95.9	1.3	2.8	6,327	270
Nov. 1918	10.00	10.9	90.5	2.4	7.1	6,259	247
May 1919	10.00	5.0	85.7	3.6	10.7	7,315	481
Aug. 1919	13.50	.3	66.8	8.9	24.3	7,983	568
Aug. 1920	16.00	.0	9.4	31.5	59.1	7,568	504
Mar. 1922	16.00	.0	4.1	32.5	63.4	8,651	591
MANUFACTURING INDUSTRY							
Jan. 1919	$10.00	14.8%	85.4%	3.7%	10.9%	9,219	674
Sept. 1919	13.50	2.2	72.8	6.4	20.8	13,302	904
Oct. 1920	16.00	.0	18.7	35.1	46.2	14,491	1,030
Mar. 1922	16.00	.0	16.0	33.0	51.0	12,516	1,216

SCHEDULE III.—EFFECT OF MINIMUM WAGE ORDERS MARCH, 1919, TO MARCH, 1922, BASED ON RATES OF WAGES OF WOMEN AND MINORS—MERCANTILE, MANUFACTURING, AND LAUNDRY INDUSTRIES



SCHEDULE IV. DATA PREPARED FROM THE TWENTIETH BIENNIAL REPORT OF THE BUREAU OF LABOR STATISTICS OF THE STATE OF CALIFORNIA, BY LOUIS M. BLOCH, STATISTICIAN OF THE BUREAU OF LABOR STATISTICS.

That the California Minimum Wage Law has been effective in raising the earning power of women and minors is further corroborated in the Twentieth Biennial Report of the State Bureau of Labor Statistics. Tables 4 and 5, here presented, taken from this report, contain data gathered by the Bureau of Labor Statistics.

These tables show the weekly earnings of males and females 18 years of age and over and of minors, of both sexes, under 18 years of age. A careful examination of Tables 4 and 5 reveal the following facts:

1. Between 1918 and 1921 there has been an especially marked increase in the weekly earnings of females 18 years of age and over as well as of minors of both sexes, all of whom are subject to the minimum wage orders of the California Industrial Welfare Commission, viz:

   (a) In 1918, 77.1 percent of females 18 years of age and over earned less than $16 per week; while in 1921, only 28.2 percent of the females 18 years of age and over earned less than $16 per week.

   (b) In 1918, only 22.9 percent of females 18 years of age and over earned $16 or more per week; while in 1921, 71.8 percent of females 18 years of age and over earned $16 or more per week.

2. The weekly earnings of male wage-earners, 18 years of age and over, who are not subject to the minimum wage orders of the Industrial Welfare Commission, have up to a certain point remained practically the same in 1921 as in 1918, viz:

(a) In 1918, as well as in 1921, practically the same percentages of male workers 18 years of age and over earned less than $16 and less than $18 per week.

3. The weekly earnings of male minors subject to the minimum wage order, unlike the weekly earnings of male adults not subject to the minimum wage order, have been considerably advanced in 1921 compared with 1918, viz:

(a) Although the percentages of males 18 years of age and over earning less than $16 and less than $18 per week have remained practically the same in 1921 as compared with 1918, weekly earnings of males under 18 years of age have been considerably increased.

TABLE IV.—NUMBER AND PER CENT OF CALIFORNIA WAGE-EARNERS 18 YEARS OF AGE AND OVER EARNING SPECIFIED WEEKLY EARNINGS IN 1921 COMPARED WITH 1918, BY SEX*

(From the forthcoming Biennial Report of the California Bureau of Labor Statistics)

Weekly Earnings	MALES 18 YEARS OF AGE AND OVER					
	1918			1921		
	Number of Wage-Earners	Percent of Total	Cumulative Per-centages	Number of Wage-Earners	Percent of Total	Cumulative Per-centages
Total	165,378	100.0	100.0	102,672	100.0	100.0
Under $5	1,061	.7	.7	547	.5	.5
$5 to $5.99	312	.2	.9	484	.5	1.0
6 to 6.99	338	.2	1.1	365	.3	1.3
7 to 7.99	196	.1	1.2	347	.3	1.5
8 to 8.99	205	.1	1.3	369	.3	1.8
10 to 11.99	771	.5	2.0	399	.4	2.2
12 to 13.99	1,542	.9	2.9	774	.7	2.9
14 to 15.99	2,299	1.4	4.3	1,435	1.3	4.2
16 to 17.99	4,071	2.1	6.4	2,232	2.1	7.3
18 to 19.99	11,318	6.8	14.2	5,430	5.6	12.8
20 to 21.99	14,898	9.0	23.2	8,841	8.6	21.4
22 to 24.99	29,435	17.8	41.0	14,476	14.1	35.5
25 to 29.99	40,239	24.9	65.9	19,734	19.2	54.7
30 to 34.99	24,374	14.7	77.6	16,487	16.1	70.8
35 to 39.99	15,397	9.3	87.9	14,084	13.8	84.6
40 and over	11,606	7.1	100.0	15,850	15.4	100.0
	FEMALES 18 YEARS OF AGE AND OVER					
	1918			1921		
Total	38,474	100.0	100.0	36,072	100.0	100.0
Under $5	827	2.2	2.2	873	2.4	2.4
$5 to $5.99	350	.9	3.1	267	.7	3.1
6 to 6.99	600	1.5	4.6	299	.8	3.9
7 to 7.99	1,176	3.0	7.6	412	1.1	5.0
8 to 9.99	4,278	11.1	18.7	922	2.6	7.6
10 to 11.99	8,447	22.0	40.7	1,351	3.8	11.4
12 to 13.99	8,261	21.5	62.2	2,536	7.0	18.4
14 to 15.99	5,739	14.9	77.1	3,542	9.8	28.2
16 to 17.99	2,617	6.8	83.9	10,956	30.4	58.6
18 to 19.99	2,275	5.9	89.8	4,917	13.6	72.2
20 to 21.99	1,568	4.1	93.9	3,289	9.1	81.3
22 to 24.99	1,066	2.8	96.7	2,777	7.7	89.0
25 to 29.99	914	2.4	99.1	2,292	6.4	95.4
30 to 34.99	234	.6	99.7	1,095	3.1	98.5
35 to 39.99	83	.2	99.9	299	.8	99.3
40 and over	40	.1	100.0	343	.7	100.0

*The weekly earnings are as of December 15, or the nearest representative week, of 1918 and of 1921.

TABLE V.—NUMBER AND PER CENT OF CALIFORNIA WAGE-EARNERS UNDER 18 YEARS OF AGE EARNING SPECIFIED WEEKLY EARNINGS IN 1921 COMPARED WITH 1918, BY SEX.*

(From the forthcoming Biennial Report of the California Bureau of Labor Statistics)

Weekly Earnings	MALES UNDER 18 YEARS OF AGE					
	1918			1921		
	Number of Wage-earners	Percent of Total	Cumulative Per-centages	Number of Wage-Earners	Percent of Total	Cumulative Per-centages
Total	3,548	100.0	100.0	1,152	100.0	100.0
Under $5	256	7.2	7.2	87	7.5	7.5
$5 to $5.99	47	1.3	8.5	19	1.6	9.1
6 to 6.99	118	3.3	11.8	17	1.5	10.6
7 to 7.99	197	5.6	17.4	33	2.9	13.6
8 to 9.99	359	10.2	33.2	40	2.5	16.1
10 to 11.99	654	18.7	46.9	120	10.4	26.5
12 to 13.99	553	15.6	65.5	199	16.4	42.9
14 to 15.99	411	11.9	77.1	243	21.1	64.0
16 to 17.99	261	7.5	85.0	176	15.2	79.3
18 to 19.99	182	5.2	90.2	61	5.3	84.6
20 to 21.99	98	2.8	93.5	34	2.9	87.5
22 to 24.99	227	6.4	98.9	32	2.8	90.3
25 to 29.99	33	.6	99.5	47	4.1	94.4
30 to 34.99	10	.3	99.8	21	1.8	96.3
35 to 39.99	5	.1	99.9	33	2.9	99.1
40 and over	3	.1	100.0	11	.9	100.0
	FEMALES UNDER 18 YEARS OF AGE					
	1918			1921		
Total	3,168	100.0	100.0	1,153	100.0	100.0
Under $5	275	8.6	8.6	154	9.3	9.3
$5 to $5.99	221	6.9	15.5	94	5.9	15.2
6 to 6.99	242	7.9	23.4	80	4.9	17.2
7 to 7.99	327	10.3	33.8	61	3.7	20.9
8 to 9.99	794	24.9	58.6	127	8.3	29.2
10 to 11.99	567	18.7	77.2	158	9.6	38.8
12 to 13.99	347	12.4	89.3	313	18.9	57.7
14 to 15.99	183	5.1	94.4	159	10.9	68.6
16 to 17.99	90	2.6	97.0	243	21.1	89.7
18 to 19.99	58	1.8	99.0	95	5.1	94.8
20 to 21.99	21	.7	99.7	39	2.3	97.1
22 to 24.99	8	.2	99.9	19	1.1	98.2
25 to 29.99	2	.1	100.0	21	1.3	99.5
30 to 34.99	...	...	...	7	.4	99.9
35 to 39.99	...	...	...	1	.1	100.0
40 and over	...	...	...	...	...	...

*The weekly earnings are as of December 15, or the nearest representative week, of 1918 and of 1921.

SCHEDULE V. PROGRESS OF INDUSTRY IN CALIFORNIA HAS NOT BEEN IMPEDED BY THE OPERATION OF THE MINIMUM WAGE LAW.

Statistical data are lacking to enable the drawing of a close correlation between the operation of the minimum wage law and the growth of industries in the State, but such data as are available show that California industries have been enjoying more than normal growth and relative prosperity.

The recently published statistics of the United States Census of Manufacturers, showing the status of California industries in 1919, indicate that this State is rapidly gaining a foremost place among the great industrial States of the Union:

1. In 1869, California ranked sixteenth among the states as regards the gross value of its manufactured products. In 1909, California advanced to the eleventh place, and, in 1919, to the eighth place.

2. The total value of California's manufactured products in 1919 was $1,981,204,701, an amount which was exceeded only by the states of New York, Pennsylvania, Illinois, Ohio, Massachusetts, New Jersey, and Michigan in the order named.

3. During the last twenty years, the population of California increased from 1,485,053 in 1910 to 3,426,861 in 1920. This represents an increase of 131 percent. During approximately the same period, the wage-earning population increased 216 percent.

4. The proportion of female wage-earners to the total number of persons engaged in manufactures has steadily increased from 12.5 percent in 1909 to 14.2 percent in 1914 and to 16.1 percent in 1919.

Additional evidence showing that the California industries have not suffered in recent years is furnished

by the San Francisco Chamber of Commerce in its official weekly organ called *San Francisco Business.* On page 8 of the January 19th, 1923, issue of this publication, the following fact, among others, is cited to prove that "the year 1922 showed enormous increases in nearly all phases of California production."

"The Canners' League, reporting to the Chamber of Commerce, shows 1922 the greatest in the history of that industry, the pack amounting to 22,391,236 cases of fruits and vegetables. This doubles the mark of 1921 and is 14 percent greater than the previous record established in 1919."

The progress made by the fruit and vegetable canning industry is here cited because this industry is considerably affected by the State's minimum wage law, since the large majority of all employees in this industry are women subject to the minimum wage and orders of the Industrial Welfare Commission. The steady increase in the proportion of female wage-earners to the total number of persons engaged in manufactures referred to above, proves that there has been no reduction in the employment of women as a result of the State's minimum wage law.

IN THE

Supreme Court of the United States

No. 795

JESSE C. ADKINS, *et al.*, Constituting the Minimum Wage Board of the District of Columbia, *Appellants,*

v.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, A Corporation, *Appellee.*

No. 796

JESSE C. ADKINS, *et al.*, Constituting the Minimum Wage Board of the District of Columbia, *Appellants,*

v.

WILLIE A. LYONS, *Appellee.*

SUPPLEMENTAL BRIEF OF AMICI CURIAE

HERMAN L. EKERN,
Attorney General of the State of Wisconsin,
J. E. MESSERSCHMIDT,
Assistant Attorney General,
FRED M. WILCOX,
Chairman, Industrial Commission of Wisconsin,
AMICI CURIAE.

In view of the importance of the question involved and the far-reaching results that may follow an adverse decision, which may directly affect the constitutionality of the Minimum Wage Law of Wisconsin, we respectfully submit to this court the following observations concerning some of the legal questions involved:

Minimum wage laws enacted by a number of states have been sustained as a valid enactment, and constitutional, by all the supreme courts of the states that have considered the question, and the only adverse decision is the one from the supreme court of the District of Columbia, from which this appeal is taken. We believe that the position taken by the supreme court of the District of Columbia is fundamentally unsound, and we will briefly state our reasons:

It is held that the Minimum Wage Law in question is violative of that part of the Fourteenth Amendment to the United States Constitution, which reads:

> "* * * nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." (Sec. 1, Art. XIV.)

It is argued that the right of Willie A. Lyons to contract her labor in any lawful calling is a property right of which, if the property right means anything, she cannot be deprived; that the constitution protects the freedom of contract

and the right to contract with relation to one's business; that congress may have power to require safeguards in conducting dangerous occupations that affect the mode of operation, but cannot provide how much the employer shall pay the employe for his services; that this is a purely economic question; that it deprives the owner of the property of the economic control thereof. It is also contended that

> "Legislation tending to fix the prices at which private property shall be sold, whether it be a commodity or labor, places a limitation upon the distribution of wealth, and is aimed at the correction of the inequalities of fortune which are inevitable under our form of government, due to personal liberty and the private ownership of property. These principles are embodied in the Constitution itself, and to interfere with their freedom of operation is to deprive the citizen of his constitutional rights."

It is further said:

> "The police power cannot be employed to level inequalities of fortune. Private property cannot by mere legislative or judicial fiat be taken from one person and delivered to another, which is the logical result of price fixing."

It is also argued that the business under consideration is a private business conducted between private individuals in which the public has no direct economic interest.

As we understand the position of the lower court, its argument is that when an employe is willing to work for a smaller wage than is necessary to sustain her in good health, such employe has a right to contract with an employer on that basis, and that this act deprives both parties of this right and interferes with their liberty to contract in violation of the constitutional provision. In other words, it is contended that congress has no power to fix wages for women and minors, even if it be absolutely necessary to do so in order that the health and morals of the employe may be preserved.

Contract by Minors and Women

When we consider the fact that minors and married women have not been permitted to make any contracts from time immemorial disposing of their labor, in any way, it is difficult to understand how a statute which limits such contract only in one respects hould be unconstitutional. The right to contract by married women has not been given to them by constitutional amendment, but by the enactment of statute laws. They had no such right at the time when the constitution was adopted, and some minors have no such right at the present time.

The Usury Laws

That the position taken by the lower court is fundamentally wrong is capable of clear demonstration in a concrete way when we consider the provisions of usury laws. We will, for the purpose of illustration, take the Wisconsin law on the subject of usury. Sec. 1689 of the Wis. Stats. provides:

"No person, company or corporation shall di-

> "No person, company or corporation shall directly or indirectly take or receive in money, goods or things in action, or in any other way, any greater sum or any greater value for the loan or forbearance of money, goods or things in action than at the rate of ten dollars upon one hundred dollars for one year; * * *."

In sec. 1691 of the Wisconsin Statutes, a penalty is provided of fine or imprisonment, or both, for a violation of this statute. There is also a provision against the charging of compound interest. This is generally not considered a part of the usury law. The legal rate of interest in Wisconsin is six per cent. The market rate fluctuates from five to seven per cent.

Usury statutes have been held constitutional on the ground that the provisions of the constitution of the United States prohibiting states from impairing the obligation of contracts applies only to contrracts lawfully made, not such

as are illegal and contrary to public policy, and that usury acts are intended to protect the necessitous from the oppression of unscrupulous persons.

39 Cyc. 910.

Every argument advanced by the decision in the trial court against the legality of the Minimum Wage Law here in question is equally applicable to the usury law. That the principle embodied in the usury law is fundamental and a part of our government is apparent when we consider that the same principle is found embodied in the laws of all peoples, both ancient and modern. We find usury laws in China, in India, among the Athenians, as part of the Roman law, the civil law, the common law, and they have been embodied in the statutes of every state in the union from an early day. Even in the days of Moses, they were already found necessary. In Deuteronomy 23:19, we find the provision:

> "Thou shalt not lend upon usury to thy brother; usury of money, usury of victuals, usury of anything that is lent upon usury."

Under this constitutional law, if A goes to his neighbor B to borrow one hundred dollars and is willing to pay B twelve per cent interest and his neighbor B is willing to loan him the money at twelve per cent, they are, nevertheless, prohibited from making this contract, under

a valid usury law, notwithstanding the provision of the constitution of the United States protecting its citizens in their property rights and in the right of making contracts relative thereto.

Here is a private transaction between two citizens limited by law as to the price to be fixed for a commodity—the use of money. It places a limitation upon the distribution of wealth if the fixing of a minimum wage has that effect.

The usury law was not passed to meet a passing trouble or an existing emergency. It is a law that applies under all conditions, in all ages, in all parts of the United States. If the right to contract as to the price of labor is a property right, then, certainly, the right to contract as to the price of the use of money is also a property right. If a law fixing a minimum wage takes the economic control of a man's property, so does the usury law. The one takes away the personal liberty to contract in regard to one's property no less than the other.

Upon what principle has the usury law been sustained? It has been sustained on the elementary principle of government that it is a function of the government to protect the weak against the strong. It is the duty of the government to protect the weak not only against those physically strong, but also against those economically strong.

Chief Justice Dixon, in an early Wisconsin case

McArthur v. Schenck, 31 Wis. 673, at p. 676, said:

> "The theory upon which laws against usury have been enacted, and the principle which has governed in their interpretation, have always been, that the borrower was at the mercy of the lender and subject to his utmost exactions and avarcious demands, unless protected by laws. * * * It is to shield from the grasp of the lender, and save the borrower from the injurious consequences of his own weakness and inability, that such statutes have been passed. They are designed for the protection of the borrower, and the protection so given has been extended to those persons standing in his place or representing him and succeeding to his rights, such as heirs-at-law, executors, devisees, sureties, assignees and the like."

The court will note that the usury law places a limit beyond which the law does not permit the parties to contract. The economic laws of supply and demand as to the rate of interest is still operating, and is not greatly, although it may be slightly, affected by the usury law.

The Minimum Wage Law is enacted on the same fundamental principle. It is to meet certain oppressive conditions. It puts a limit, the same as the usury law, as to the minimum amount that may be paid for wages. It is not as universal as the usury law. It applies only to women and minors. In the economic struggle between employer and employes which, under

present complicated conditions is more intense than it ever has been, is it any wonder that among women and minors there would be some that would find it impossible to secure contracts for the sale of their labor sufficient to meet the cost of living?

It is common knowledge of which courts may take judicial notice, that women do not receive the same wages for doing equal work as men do. And when they are forced through enconomic conditions to sell their labor for less than the cost of living, a condition arises which makes it necessary for the government to place an economic limit on the wage of those affected. It is for the government to stop the exploitation of those who are unable to protect themselves. This does not take away the liberty to contract because that is already taken away by the oppressive conditions under which they are compelled to work. It is rather to restore the employes to an equality with the employers that this law is enacted. It is to place the two parties to the contract of wages on a par, and to restrain the oppressor in making unconscionable contracts as to wages, the same as the usury law restrains the oppressor in making unconscionable contracts as to the rate of interest.

It strikes at the lowest scale of wages and leaves those receiving a fair compensation to the laws of competition. The court will note that the Wisconsin minimum wage fixed by the Industrial Commission was below the market price for

wages, and that the law of supply and demand can still operate in determining the market price of wages. The Minimum Wage Law has had the effect of raising the lower end of the wage scale to the level of the cost of living. Indirectly, especially in some businesses, it may have affected the price of labor the same as the usury law may indirectly affect the rate of interest.

That the women and minors are in a class separate from men is universally acknowledged. The War Labor Conference Board, under date of March 29, 1918, said, in its official report:

> "If it shall become necessary to employ women on work ordinarily performed by men, they must be allowed equal pay for equal work and must not be allotted tasks disproportionate to their strength."

This court has recognized this in

> *Muller v. Oregon*, 208 U. S. 412;
> *Miller v. Wilson*, 236 U. S. 373.

The government is vitally interested. There is a public interest in the result of the oppression of the law of supply and demand as to wages, when it forces some of the employes to accept wages that fall below the line of subsistence. There is an unmistakable indication that such employe is not strong enough to meet the economic conditions under which he labors, and needs the strong arm of the law for protection, not only for himself but for the benefit of all.

This same fundamental, general principle was applied in the case of *German Alliance Insurance Co. v. Kansas,* 233 U. S. 389, and in *Block v. Hirsh,* 256 U. S. 135. In both instances, the facts there which justify the law showed that the weak needed the protection of the government in their business transactions.

Principle of Constitutional Construction Here Applicable

It is argued in the majority opinion in the lower court that the United States Constitution is not flexible and that we are meeting here a principle that is immutable and not elastic or subject to change. The rules of construction that are applicable to our constitution have been phrased in various ways, both by judges of this court, and by judges of other courts. Among those, I find just one which states the principle so succinctly that I desire to quote it. The late Chief Justice John B. Winslow of the supreme court, in *Borgnis v. Falk Co.,* 147 Wis. 327, said, on pp. 349-350:

> "Constitutional commands and prohibitions, either distinctly laid down in express words or necessarily implied from general words, must be obeyed, and implicitly obeyed, so long as they remain unamended or unrepealed. Any other course on the part of either legislator or judge constitutes violation of his oath of office. But when there is no such express command or prohibition,

but only general language, or a general policy drawn from the four corners of the instrument, what shall be said about this? By what standards is this general language or general policy to be interpreted and applied to present-day people and conditions?

"When an eighteenth century constitution forms the charter of liberty of a twentieth century government must its general provisions be construed and interpreted by an eighteenth century mind in the light of eighteenth century conditions and ideals? Clearly not. This were to command the race to halt in its progress, to stretch the state upon a veritable bed of Procrustes.

"Where there is no express command or prohibition, but only general language or policy to be considered, the conditions prevailing at the time of its adoption must have their due weight; but the changed social, economic, and governmental conditions and ideals of the time, as well as the problems which the changes have produced, must also logically enter nto the consideration, and become influential factors in the settlement of problems of construction and interpretation."

There is no provision in the constitution which expressly prohibits congress or the legislature from enacting a minimum wage law. We have only general provisions that are here applicable. In interpreting the meaning that is to be placed upon these provisions, the present economic condition, the ideals of the people, and the oppressive conditions that need amelioration must

necessarily be taken into consideration; and the constitution must be given a construction that will be consistent with the life of the republic, that will not hamper its growth nor paralyze the people in their yower to aid the oppressed and enjoin the oppressor. And I quote here, as apropos, the words of A. R. Denu, of Rapids City, South Dakota, who said:

> "And so with new responsibilities before us, with the undreamed of emergencies of the future to face, the courts of our country will never permit the free hand of the people to be paralyzed by the quibblers over words. But imbued with the spirit of the immortal Marshall, will see in this document a source of life; and as this nation grows from a tender tree into a giant-oak, the constitution, unlike an iran band that strangles, but as the bark which protects, will grow and expand as the vital body within develops towards maturity."

The majority opinion is apprehensive that this law is the initial step towards unlimited wage-fixing; that it is the beginning of the socializing of the wealth of the country. In our view, the result is just the opposite. Let us eliminate the hardships as they occur in our economic strifes by reasonable and progressive legislation. This will perpetuate our institutions instead of endangering their existence. It will put our econnomic competition on higher planes and will make our social systems more endearing to the

people. While, if we fail to give adequate remedy to real oppressive conditions, the people will turn to other economic systems for remedies.

We respectfully submit that the Minimum Wage Law is founded upon fundamental principles of government, and that the lower court should be reversed, and the law sustained as constitutional.

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District of Columbia Minimum Wage Cases

Supreme Court of the United States

OCTOBER TERM, 1922.

No. 795 AND No. 796.

JESSIE C. ADKINS, *et al.*, CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA, APPELLANTS,

vs.

THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, A CORPORATION.

JESSIE C. ATKINS, *et al.*, CONSTITUTING THE MINIMUM WAGE BOARD OF THE DISTRICT OF COLUMBIA, APPELLANTS,

vs.

WILLIE A. LYONS.

BRIEF ON BEHALF OF MINIMUM WAGE COMMITTEE, STATE OF WASHINGTON

EDWARD CLIFFORD,
Chairman,
KENNETH DURHAM,
Attorney.
AMICI CURIAE.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM—1922

Nos. 795 and 796

JESSE C. ADKINS, *et al.*, constituting the Minimum Wage Board of the District of Columbia,
Appellants,
vs.
THE CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA, a corporation.

JESSE C. ADKINS, *et al.*, constituting the Minimum Wage Board of the District of Columbia,
Appellants,
vs.
WILLIE A. LYONS.

The following memorandum is submitted by the minimum wage committee of the state of Washington for the reason that the above cases in which the constitutionality of the minimum wage law of the District of Columbia is attacked are pertinent to the minimum wage statute of the state of Washington which corresponds in substance with the law before the court.

In common with twelve other states of the union and with Great Britain, France, Austria, Norway and a number of the provinces of Canada, the state of Washington has long provided by statute for a minimum wage for women with the declared purpose of safeguarding their

morals and health for the benefit of the commonwealth and its future generations. The minimum wage statute of the state of Washington, Laws of 1913, Chapter 3, (Rem. Code Sections 6571-1, et seq.) first declares the police power of the state and the necessity for its exercise:

> 6571-1. "The welfare of the state of Washington demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals. The state of Washington, therefore, exercising herein its police and sovereign power declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect."
>
> 6571-2. "It shall be unlawful to employ women or minors in any industry or occupation within the state of Washington under conditions of labor detrimental to their health or morals; and it shall be unlawful to employ women workers in any industry within the state of Washington at wages which are not adequate for their maintenance."

Section 6571-3 creates a commission to be known as the Industrial Welfare Commission (now called Industrial Welfare Committee—Sec. 10840) and empowers it to establish conditions of labor and to fix reasonable standards of wages which shall be sufficient to maintain women employees in health and morals. The other sections of the act empower the commission to investigate wages and conditions and through the instrumentality of an advisory conference to establish by an obligatory order standard conditions of labor and a minimum wage for women.

The constitutionality of the Washington statute was attacked in the case of *Larsen* v. *Rice*, 100 Wash. 642, the appellant arguing that the statute under which the Indus-

trial Welfare Commission acted was unconstitutional because it violated No. 3, Art. 1, of the constitution of the state of Washington and Art. 1 of the fourteenth amendment to the constitution of the United States, which provides "nor shall any state deprive any person of life, liberty or property without due process of law". The constitutionality of the act was upheld. Quoting:

> "The state of Oregon has a law upon its statute books almost the exact counterpart of our own, and its constitutionality was sustained by the unanimous decision of the highest court of that state sitting En Banc, against attacks based upon the several grounds urged by the appellants here. *Stettler* v. *O'Hara*, 69 Ore. 519, 139 Pac. 743; *Simpson* v. *O'Hara*, 70 Ore. 261, 141 Pac. 158. These cases were taken, by writ of error on the Federal question involved, to the United States supreme court, and were there affirmed after a reargument, although by an equally divided court, Mr. Justice Brandeis taking no part in the consideration and decision of the cases. *Stettler* v. *O'Hara* and *Simpson* v. *O'Hara*, 243 U. S. 629. The reasoning of the justice of the Oregon court writing the decisions in the cases appeals to us as sound and conclusive, and we are content to rest our judgment on the authority of the cases as there determined."

This decision was affirmed in the later case of *Spokane Hotel Co.* v. *Younger*, 113 Wash. 359.

Minimum wage statutes have been held constitutional by the courts of Arkansas (*State* v. *Crow*, 130 Ark. 272); Minnesota (*Williams* v. *Evans*, 139 Minn. 32); Massachusetts (*Holcomb* v. *Kreamer*, 231 Mass. 99); Oregon (*Stettler* v. *O'Hara*, 69 Ore. 592, *Simpson* v. *O'Hara*, 70 Ore. 261); Texas (*Poye* v. *State*, 230 S. W. 162); and Washington (*Larsen* v. *Rice, supra*, and *Spokane Hotel*

Co. v. *Younger, supra*). No court, with the exception of the Court of Appeals of the District of Columbia in the instant case, has held to the contrary.

The rules of law applicable to this case are few and well established. The right to contract one's labor and the right to employ labor are both within the liberty protected by the fourteenth amendment to the constitution of the United States. This right is nevertheless subject to such reasonable restraint as the state may impose in the exercise of the police power for the protection of health, safety, morals and the general welfare. *Muller* v. *Oregon*, 208 U. S. 421. The minimum wage statute of the District of Columbia and with it the statutes of Washington and the other states having similar laws must be sustained as constitutional unless the court can find that there is no fair ground, reasonable in and of itself, to say that there is material danger to the health and morals of women employees if a minimum wage is not established. *Lochner* v. *New York*, 198 U. S. 45. Upon this question the judgment of the legislatures of the many states which have enacted such statutes, the experience of foreign countries which have found them necessary and the decisions of the courts of the states which have without exception upheld the minimum wage are worthy of most serious consideration. *Halter* v. *Nebraska*, 205 U. S. 34.

A minimum wage for women may be established, although such a law for men might be held unconstitutional, because of the inherent differences in the physical structure of the sexes and the interest of the state in safeguarding women. Healthy mothers are essential to vigorous offspring, and the entire hope of the commonwealth rests upon the maintenance of a high standard of maternity. *Muller* v. *Oregon*, 208 U. S. 412.

It is argued by the majority opinion of the Court of Appeals of the District of Columbia in the decision below: "The standard of morals is no higher among the prosperous than among the poor." This is a pleasant generality which can have no application to the dire conditions these statutes are designed to prevent. That extreme poverty is one of the promoting causes of immorality is so well established in criminology and in common knowledge as to be beyond denial. It needs no proof to sustain the assertion that a woman working for a wage insufficient to maintain her in health and decency is subjected to a temptation toward immorality sufficient to destroy the resistance of any but a strong character. The ranks of immorality are not recruited from the daughters of the prosperous.

With modern industrial conditions women have been thrown into industry in numbers so great that it has become a matter of concern affecting the existence and life of the nation. The old protection of competition which guaranteed in previous decades that the wage would not fall below the minimum of decent subsistence is no longer operative. Large numbers of women who are not wholly dependent upon their wages for maintenance have been driven into industry to assist in the support of their families. The advent of this large element has destroyed any reasonable guarantee afforded by competition. Prior to the enacting of the minimum wage statutes in various of the states the scale of wages was unquestionably, in many instances, below the point where morals and health could be maintained. Women were forced by harsh necessity to live under conditions and in surroundings which were detrimental to their health and morals. The number of women involved was large enough that the future of the state depended upon some

measure which would insure a living wage. No effort was made to level equalities of fortune—no wage was contemplated which would do anything more than support the worker in the most frugal of decent poverty. The fact that minimum wage laws have been upon the statute books of some of the states of the union for ten years or more without being repealed is proof sufficient that the dire prediction of sovietism conjured up by the majority opinion below is a wild fancy unfounded in reason.

A minimum wage must not be conceived as an average wage or a wage which levels various degrees of ability. There still remains the same incentive to efficiency provided by the hope of a higher reward. All that these states have attempted to do is to say: "The greed of man shall not drive the wages of women below the lowest point at which they can be maintained in health and morals, for in this society has a vital interest."

The law does not deal with exceptions, it assumes no paternalistic control over the women. It is not founded in emotion but is a provision for the benefit of the state, viewing women in industry as mothers or potential mothers of future citizens and protecting them only to the extent that their protection is necessary for the preservation of their health and morals as a class. Quoting from the opinion in *Muller* v. *Oregon*, 208 U. S. 422:

> "The limitations which this statute places upon her contractual powers, upon her right to agree with her employer as to the time she shall labor, are not imposed solely for her benefit; but also largely for the benefit of all. Many words cannot make this plainer. The two sexes differ in structure of body, in the functions to be performed by each, in the amount of physical strength, in the capacity for

long-continued labor, particularly when done standing, the influence of vigorous health upon the future well-being of the race, the self-reliance which enables one to assert full rights, and in the capacity to maintain the struggle for subsistence. This difference justifies a difference in legislation and upholds that which is designed to compensate for some of the burdens which rest upon her."

For these reasons the minimum wage committee of the state of Washington respectfully submits that the decision of the Court of Appeals of the District of Columbia holding the minimum wage law unconstitutional should be reversed.

Respectfully submitted,

On behalf of

Minimum Wage Committee
of the State of Washington.

EDWARD CLIFFORD,
Chairman.

KENNETH DURHAM,
Attorney.

SUPREME COURT OF THE UNITED STATES.

Nos. 795 and 796.—October Term, 1922.

Jesse C. Adkins, Ethel M. Smith, John J. Newbold, Constituting the Minimum Wage Board of the District of Columbia, Appellants, 795 *vs.* The Children's Hospital of the District of Columbia.	Appeals from the Court of Appeals of the District of Columbia.
Jesse C. Adkins, Ethel M. Smith, John J. Newbold, Constituting the Minimum Wage Board of the District of Columbia, Appellants, 796 *vs.* Willie A. Lyons.	

[April 9, 1923.]

Mr. Justice Sutherland delivered the opinion of the Court.

The question presented for determination by these appeals is the constitutionality of the Act of September 19, 1918, providing for the fixing of minimum wages for women and children in the District of Columbia. 40 Stat. 960, c. 174.

The act provides for a board of three members, to be constituted, as far as practicable, so as to be equally representative of employers, employees and the public. The board is authorized to have public hearings, at which persons interested in the matter being investigated may appear and testify, to administer oaths, issue subpoenas requiring the attendance of witnesses and production of books, etc., and to make rules and regulations for carrying the act into effect.

By section 8 the board is authorized

"(1) To investigate and ascertain the wages of women and minors in the different occupations in which they are employed in the District of Columbia; (2) to examine, through any member or authorized representative, any book, pay roll or other record of any employer of women or minors that in any way appertains to

or has a bearing upon the question of wages of any such women or minors; and (3), to require from such employer full and true statements of the wages paid to all women and minors in his employment."

And by section 9

"to ascertain and declare, in the manner hereinafter provided, the following things: (a), Standards of minimum wages for women in any occupation within the District of Columbia, and what wages are inadequate to supply the necessary cost of living to any such women workers to maintain them in good health and to protect their morals; and (b), standards of minimum wages for minors in any occupation within the District of Columbia, and what wages are unreasonably low for any such minor workers."

The act then provides (section 10) that if the board, after investigation, is of opinion that any substantial number of women workers in any occupation are receiving wages inadequate to supply them with the necessary cost of living, maintain them in health and protect their morals, a conference may be called to consider and inquire into and report on the subject investigated, the conference to be equally representative of employers and employees in such occupation and of the public, and to include one or more members of the board.

The conference is required to make and transmit to the board a report including, among other things, "recommendations as to standards of minimum wages for women workers in the occupation under inquiry and as to what wages are inadequate to supply the necessary cost of living to women workers in such occupation and to maintain them in health and to protect their morals."

The board is authorized (section 12) to consider and review these recommendations and to approve or disapprove any or all of them. If it approve any recommendations it must give public notice of its intention and hold a public hearing at which the persons interested will be heard. After such hearing, the board is authorized to make such order as to it may appear necessary to carry into effect the recommendations, and to require all employers in the occupation affected to comply therewith. It is made unlawful for any such employer to violate in this regard any provision of the order or to employ any woman worker at lower wages than are thereby permitted.

There is a provision (section 13) under which the board may issue a special license to a woman whose earning capacity "has been impaired by age or otherwise," authorizing her employment at less than the minimum wages fixed under the act.

All questions of fact (section 17) are to be determined by the board, from whose decision there is no appeal; but an appeal is allowed on questions of law.

Any violation of the act (section 18) by an employer or his agent or by corporate agents is declared to be a misdemeanor, punishable by fine and imprisonment.

Finally, after some further provisions not necessary to be stated, it is declared (section 23) that the purposes of the act are "to protect the women and minors of the District from conditions detrimental to their health and morals, resulting from wages which are inadequate to maintain decent standards of living; and the act in each of its provisions and in its entirety shall be interpreted to effectuate these purposes."

The appellee in the first case is a corporation maintaining a hospital for children in the District. It employs a large number of women in various capacities, with whom it had agreed upon rates of wages and compensation satisfactory to such employees, but which in some instances were less than the minimum wage fixed by an order of the board made in pursuance of the act. The women with whom appellee had so contracted were all of full age and under no legal disability. The instant suit was brought by the appellee in the Supreme Court of the District to restrain the board from enforcing or attempting to enforce its order on the ground that the same was in contravention of the Constitution, and particularly the due process clause of the Fifth Amendment.

In the second case the appellee, a woman twenty-one years of age, was employed by the Congress Hall Hotel Company as an elevator operator, at a salary of $35 per month and two meals a day. She alleges that the work was light and healthful, the hours short, with surroundings clean and moral, and that she was anxious to continue it for the compensation she was receiving and that she did not earn more. Her services were satisfactory to the Hotel Company and it would have been glad to retain her but was obliged to dispense with her services by reason of the order of the board and on account of the penalties prescribed by the act. The wages

received by this appellee were the best she was able to obtain for any work she was capable of performing and the enforcement of the order, she alleges, deprived her of such employment and wages. She further averred that she could not secure any other position at which she could make a living, with as good physical and moral surroundings, and earn as good wages, and that she was desirous of continuing and would continue the employment but for the order of the board. An injunction was prayed as in the other case.

The Supreme Court of the District denied the injunction and dismissed the bill in each case. Upon appeal the Court of Appeals by a majority first affirmed and subsequently, on a re-hearing, reversed the trial court. Upon the first argument a Justice of the District Supreme Court was called in to take the place of one of the Appellate Court justices, who was ill. Application for re-hearing was made and, by the court as thus constituted, was denied. Subsequently, and during the term, a re-hearing was granted by an order concurred in by two of the Appellate Court justices, one being the justice whose place on the prior occasion had been filled by the Supreme Court member. Upon the re-hearing thus granted, the Court of Appeals, rejecting the first opinion, held the act in question to be unconstitutional and reversed the decrees of the trial court. Thereupon the cases were remanded, and the trial court entered decrees in pursuance of the mandate, declaring the act in question to be unconstitutional and granting permanent injunctions. Appeals to the Court of Appeals followed and the decrees of the trial court were affirmed. It is from these final decrees that the cases come here.

Upon this state of facts the jurisdiction of the lower court to grant a re-hearing, after first denying it, is challenged. We do not deem it necessary to consider the matter farther than to say that we are here dealing with the second appeals, while the proceedings complained of occurred upon the first appeals. That the lower court could properly entertain the second appeals and decide the cases does not admit of doubt; and this the appellants virtually concede by having themselves invoked the jurisdiction. See *Rooker, et al* v. *Fidelity Trust Company, et al.*, — U. S. —, February 19, 1923.

We come then, at once, to the substantive question involved.

The judicial duty of passing upon the constitutionality of an act of Congress is one of great gravity and delicacy. The statute

here in question has successfully borne the scrutiny of the legislative branch of the government, which, by enacting it, has affirmed its validity; and that determination must be given great weight. This Court, by an unbroken line of decisions from Chief Justice Marshall to the present day, has steadily adhered to the rule that every possible presumption is in favor of the validity of an act of Congress until overcome beyond rational doubt. But if by clear and indubitable demonstration a statute be opposed to the Constitution we have no choice but to say so. The Constitution, by its own terms, is the supreme law of the land, emanating from the people, the repository of ultimate sovereignty under our form of government. A congressional statute, on the other hand, is the act of an agency of this sovereign authority and if it conflict with the Constitution must fall; for that which is not supreme must yield to that which is. To hold it invalid (if it be invalid) is a plain exercise of the judicial power—that power vested in courts to enable them to administer justice according to law. From the authority to ascertain and determine the law in a given case, there necessarily results, in case of conflict, the duty to declare and enforce the rule of the supreme law and reject that of an inferior act of legislation which, transcending the Constitution, is of no effect and binding on no one. This is not the exercise of a substantive power to review and nullify acts of Congress, for no such substantive power exists. It is simply a necessary concomitant of the power to hear and dispose of a case or controversy properly before the court, to the determination of which must be brought the test and measure of the law.

The statute now under consideration is attacked upon the ground that it authorizes an unconstitutional interference with the freedom of contract included within the guaranties of the due process clause of the Fifth Amendment. That the right to contract about one's affairs is a part of the liberty of the individual protected by this clause, is settled by the decisions of this Court and is no longer open to question. *Allgeyer* v. *Louisiana*, 165 U. S. 578, 591; *New York Life Ins. Co.* v. *Dodge*, 246 U. S. 357, 373-374; *Coppage* v. *Kansas*, 236 U. S. 1, 10, 14; *Adair* v. *United States*, 208 U. S. 161; *Lochner* v. *New York*, 198 U. S. 45; *Butcher's Union, etc.* v. *Crescent City, etc.*, 111 U. S. 746; *Muller* v. *Oregon*, 208 U. S. 412, 421. Within this liberty are contracts of employ-

ment of labor. In making such contracts, generally speaking, the parties have an equal right to obtain from each other the best terms they can as the result of private bargaining.

In *Adair* v. *United States, supra,* Mr. Justice Harlan (pp. 174, 175), speaking for the Court, said:

"The right of a person to sell his labor upon such terms as he deems proper is in its essence the same as the right of the purchaser of labor to prescribe the conditions upon which he will accept such labor from the persons offering to sell. . . . In all such particulars the employer and employé have equality of right, and any legislation that disturbs that equality is an arbitrary interference with the liberty of contract which no government can legally justify in a free land."

In *Coppage* v. *United States, supra* (p. 14), this Court, speaking through Mr. Justice Pitney, said:

"Included in the right of personal liberty and the right of private property—partaking of the nature of each—is the right to make contracts for the acquisition of property. Chief among such contracts is that of personal employment, by which labor and other services are exchanged for money or other forms of property. If this right be struck down or arbitrarily interfered with, there is a substantial impairment of liberty in the long-established constitutional sense. The right is as essential to the laborer as to the capitalist, to the poor as to the rich; for the vast majority of persons have no other honest way to begin to acquire property, save by working for money.

"An interference with this liberty so serious as that now under consideration, and so disturbing of equality of right, must be deemed to be arbitrary, unless it be supportable as a reasonable exercise of the police power of the State."

There is, of course, no such thing as absolute freedom of contract. It is subject to a great variety of restraints. But freedom of contract is, nevertheless, the general rule and restraint the exception; and the exercise of legislative authority to abridge it can be justified only by the existence of exceptional circumstances. Whether these circumstances exist in the present case constitutes the question to be answered. It will be helpful to this end to review some of the decisions where the interference has been upheld and consider the grounds upon which they rest:

(1) *Those dealing with statutes fixing rates and charges to be exacted by businesses impressed with a public interest.* There

are many cases, but it is sufficient to cite *Munn* v. *Illinois*, 94 U. S. 113. The power here rests upon the ground that where property is devoted to a public use the owner thereby, in effect, grants to the public an interest in the use which may be controlled by the public for the common good to the extent of the interest thus created. It is upon this theory that these statutes have been upheld and, it may be noted in passing, so upheld even in respect of their incidental and injurious or destructive effect upon pre-existing contracts. See *Louisville & Nashville Railway Co.* v. *Mottley*, 219 U. S. 467. In the case at bar the statute does not depend upon the existence of a public interest in any business to be affected, and this class of cases may be laid aside as inapplicable.

(2) *Statutes relating to contracts for the performance of public work.* *Atkin* v. *Kansas*, 191 U. S. 207; *Heim* v. *McCall*, 239 U. S. 175; *Ellis* v. *United States*, 206 U. S. 246. These cases sustain such statutes as depending, not upon the right to condition private contracts, but upon the right of the government to prescribe the conditions upon which it will permit work of a public character to be done for it, or, in the case of a state, for its municipalities. We may, therefore, in like manner, dismiss these decisions from consideration as inapplicable.

(3) *Statutes prescribing the character, methods and time for payment of wages.* Under this head may be included *McLean* v. *Arkansas*, 211 U. S. 539, sustaining a state statute requiring coal to be measured for payment of miners' wages before screening; *Knoxville Iron Co.* v. *Harbison*, 183 U. S. 13, sustaining a Tennessee statute requiring the redemption in cash of store orders issued in payment of wages; *Erie Railway Company* v. *Williams*, 233 U. S. 685, upholding a statute regulating the time within which wages shall be paid to employees in certain specified industries; and other cases sustaining statutes of like import and effect. In none of the statutes thus sustained, was the liberty of employer or employee to fix the amount of wages the one was willing to pay and the other willing to receive interfered with. Their tendency and purpose was to prevent unfair and perhaps fraudulent methods in the payment of wages and in no sense can they be said to be, or to furnish a precedent for, wage-fixing statutes.

(4) *Statutes fixing hours of labor.* It is upon this class that the greatest emphasis is laid in argument and therefore, and because

such cases approach most nearly the line of principle applicable to the statute here involved, we shall consider them more at length. In some instances the statute limited the hours of labor for men in certain occupations and in others it was confined in its application to women. No statute has thus far been brought to the attention of this Court which by its terms, applied to all occupations. In *Holden* v. *Hardy*, 169 U. S. 366, the Court considered an act of the Utah legislature, restricting the hours of labor in mines and smelters. This statute was sustained as a legitimate exercise of the police power, on the ground that the legislature had determined that these particular employments, when too long pursued, were injurious to the health of the employees, and that, as there were reasonable grounds for supporting this determination on the part of the legislature, its decision in that respect was beyond the reviewing power of the federal courts.

That this constituted the basis of the decision is emphasized by the subsequent decision in *Lochner* v. *New York*, 198 U. S. 45, reviewing a state statute which restricted the employment of all persons in bakeries to ten hours in any one day. The Court referred to *Holden* v. *Hardy*, *supra*, and, declaring it to be inapplicable, held the statute unconstitutional as an unreasonable, unnecessary and arbitrary interference with the liberty of contract and therefore void under the Constitution.

Mr. Justice Peckham, speaking for the court (p. 56), said:

"It must, of course, be conceded that there is a limit to the valid exercise of the police power by the State. There is no dispute concerning this general proposition. Otherwise the Fourteenth Amendment would have no efficacy and the legislatures of the States would have unbounded power, and it would be enough to say that any piece of legislation would be valid, no matter how absolutely without foundation the claim might be. The claim of the police power would be a mere pretext—become another and delusive name for the supreme sovereignty of the State to be exercised free from constitutionl restraint."

And again (pp. 57-58):

"It is a question of which of two powers or rights shall prevail —the power of the State to legislate or the right of the individual to liberty of person and freedom of contract. The mere assertion that the subject relates though but in a remote degree to the public health does not necessarily render the enactment valid. The act

must have a more direct relation, as a means to an end, and the end itself must be appropriate and legitimate, before an act can be held to be valid which interferes with the general right of an individual to be free in his person and in his power to contract in relation to his own labor."

Coming then directly to the statute (p. 58), the Court said:

"We think the limit of the police power has been reached and passed in this case. There is, in our judgment, no reasonable foundation for holding this to be necessary or appropriate as a health law to safeguard the public health or the health of the individuals who are following the trade of a baker. If this statute be valid, and if, therefore, a proper case is made out in which to deny the right of an individual, *sui juris*, as employer or employé, to make contracts for the labor of the latter under the protection of the provisions of the Federal Constitution, there would seem to be no length to which legislation of this nature might not go."

And, after pointing out the unreasonable range to which the principle of the statute might be extended, the Court said (p. 60):

"It is also urged, pursuing the same line of argument, that it is to the interest of the State that its population should be strong and robust, and therefore any legislation which may be said to tend to make people healthy must be valid as health laws, enacted under the police power. If this be a valid argument and a justification for this kind of legislation, it follows that the protection of the Federal Constitution from undue interference with liberty of person and freedom of contract is visionary, wherever the law is sought to be justified as a valid exercise of the police power. Scarcely any law but might find shelter under such assumptions, and conduct, properly so called, as well as contract, would come under the restrictive sway of the legislature."

And further (p. 61):

"Statutes of the nature of that under review, limiting the hours in which grown and intelligent men may labor to earn their living, are mere meddlesome interferences with the rights of the individual whose rights are interfered with, unless there be some fair ground, reasonable in and of itself, to say that there is material danger to the public health or to the health of the employes, if the hours of labor are not curtailed."

Subsequent cases in this Court have been distinguished from that decision, but the principles therein stated have never been disapproved.

In *Bunting* v. *Oregon*, 243 U. S. 426, a state statute forbidding the employment of any person in any mill, factory or manufactur-

ing establishment more than ten hours in any one day, and providing payment for overtime not exceeding three hours in any one day at the rate of time and a half of the regular wage, was sustained on the ground that, since the State legislature and State supreme Court had found such a law necessary for the preservation of the health of employees in these industries, this Court would accept their judgment, in the absence of facts to support the contrary conclusion. The law was attacked on the ground that it constituted an attempt to fix wages, but that contention was rejected and the law sustained as a reasonable regulation of hours of service.

Wilson v. *New*, 243 U. S. 332, involved the validity of the so-called Adamson Law, which established an eight-hour day for employees of interstate carriers for which it fixed a scale of minimum wages with proportionate increases for overtime, to be enforced, however, only for a limited period. The act was sustained primarily upon the ground that it was a regulation of a business charged with a public interest. The Court, speaking through the Chief Justice, pointed out that regarding "the private right and private interest as contradistinguished from the public interest the power exists between the parties, the employers and employees, to agree as to a standard of wages free from legislative interference" but that this did not affect the power to deal with the matter with a view to protect the public right, and then said (p. 353):

"And this emphasizes that there is no question here of purely private right since the law is concerned only with those who are engaged in a business charged with a public interest where the subject dealt with as to all the parties is one involved in that business and which we have seen comes under the control of the right to regulate to the extent that the power to do so is appropriate or relevant to the business regulated."

Moreover, in sustaining the wage feature, of the law, emphasis was put upon the fact (p. 345) that it was in this respect temporary "leaving the employers and employees free as to the subject of wages to govern their relations by their own agreements after the specified time." The act was not only temporary in this respect, but it was passed to meet a sudden and great emergency. This feature of the law was sustained principally because the parties, for the time being, could not or would not agree. Here they are forbidden to agree.

The same principle was applied in the *Rent Cases* (*Block* v. *Hirsh*, 256 U. S. 135, and *Marcus Brown Holding Company* v. *Feldman*, 256 U. S. 170), where this Court sustained the legislative power to fix rents as between landlord and tenant upon the ground that the operation of the statutes was temporary to tide over an emergency and that the circumstances were such as to clothe "the letting of buildings . . . with a public interest so great as to justify regulation by law. The Court said (p. 157):

"The regulation is put and justified only as a temporary measure (citing Wilson *v.* New, *supra*). A limit in time, to tide over a passing trouble, well may justify a law that could not be upheld as a permanent change."

In a subsequent case, *Pennsylvania Coal Company* v. *Mahon*, decided December 11, 1922, this Court, after saying "We are in danger of forgetting that a strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way of paying for the change," pointed out that the *Rent Cases* dealt with laws intended to meet a temporary emergency and "went to the verge of the law."

In addition to the cases cited above, there are the decisions of this Court dealing with laws especially relating to hours of labor for women: *Muller* v. *Oregon*, 208 U. S. 412; *Riley* v. *Massachusetts*, 232 U. S. 671; *Miller* v. *Wilson*, 236 U. S. 373; *Bosley* v. *McLaughlin*, 236 U. S. 385.

In the *Muller* case the validity of an Oregon statute, forbidding the employment of any female in certain industries more than ten hours during any one day was upheld. The decision proceeded upon the theory that the difference between the sexes may justify a different rule respecting hours of labor in the case of women than in the case of men. It is pointed out that these consist in differences of physical structure, especially in respect of the maternal functions, and also in the fact that historically woman has always been dependent upon man, who has established his control by superior physical strength. The cases of *Riley*, *Miller* and *Bosley* follow in this respect the *Muller* case. But the ancient inequality of the sexes, otherwise than physical, as suggested in the *Muller* case (p. 421) has continued "with diminishing intensity." In view of the great—not to say revolutionary—changes which have taken place since that utterance, in the contractual, political and

civil status of women, culminating in the Nineteenth Amendment, it is not unreasonable to say that these differences have now come almost, if not quite, to the vanishing point. In this aspect of the matter, while the physical differences must be recognized in appropriate cases, and legislation fixing hours or conditions of work may properly take them into account, we cannot accept the doctrine that women of mature age, *sui juris*, require or may be subjected to restrictions upon their liberty of contract which could not lawfully be imposed in the case of men under similar circumstances. To do so would be to ignore all the implications to be drawn from the present day trend of legislation, as well as that of common thought and usage, by which woman is accorded emancipation from the old doctrine that she must be given special protection or be subjected to special restraint in her contractual and civil relationships. In passing, it may be noted that the instant statute applies in the case of a woman employer contracting with a woman employee as it does when the former is a man.

The essential characteristics of the statute now under consideration, which differentiate it from the laws fixing hours of labor, will be made to appear as we proceed. It is sufficient now to point out that the latter as well as the statutes mentioned under paragraph (3), deal with incidents of the employment having no necessary effect upon the heart of the contract, that is, the amount of wages to be paid and received. A law forbidding work to continue beyond a given number of hours leaves the parties free to contract about wages and thereby equalize whatever additional burdens may be imposed upon the employer as a result of the restrictions as to hours, by an adjustment in respect of the amount of wages. Enough has been said to show that the authority to fix hours of labor cannot be exercised except in respect of those occupations where work of long continued duration is detrimental to health. This Court has been careful in every case where the question has been raised, to place its decision upon this limited authority of the legislature to regulate hours of labor and to disclaim any purpose to uphold the legislation as fixing wages, thus recognizing an essential difference between the two. It seems plain that these decisions afford no real support for any form of law establishing minimum wages.

If now, in the light furnished by the foregoing exceptions to the general rule forbidding legislative interference with freedom of

contract, we examine and analyze the statute in question, we shall see that it differs from them in every material respect. It is not a law dealing with any business charged with a public interest or with public work, or to meet and tide over a temporary emergency. It has nothing to do with the character, methods or periods of wage payments. It does not prescribe hours of labor or conditions under which labor is to be done. It is not for the protection of persons under legal disability or for the prevention of fraud. It is simply and exclusively a price-fixing law, confined to adult women (for we are not now considering the provisions relating to minors), who are legally as capable of contracting for themselves as men. It forbids two parties having lawful capacity —under penalties as to the employer—to freely contract with one another in respect of the price for which one shall render service to the other in a purely private employment where both are willing, perhaps anxious, to agree, even though the consequence may be to oblige one to surrender a desirable engagement and the other to dispense with the services of a desirable employee.* The price fixed by the board need have no relation to the capacity or earning power of the employee, the number of hours which may happen to constitute the day's work, the character of the place where the work is to be done, or the circumstances or surroundings of the employment; and, while it has no other basis to support its validity than the assumed necessities of the employee, it takes no account of any independent resources she may have. It is based wholly on the opinions of the members of the board and their advisers—perhaps an average of their opinions, if they do not precisely agree—as to what will be necessary to provide a living for a woman, keep her in health and preserve her morals. It applies to any and every occupation in the District, without regard to its nature or the character of the work.

The standard furnished by the statute for the guidance of the board is so vague as to be impossible of practical application with any reasonable degree of accuracy. What is sufficient to supply the necessary cost of living for a woman worker and maintain her in good health and protect her morals is obviously not a precise or unvarying sum—not even approximately so. The amount will

*This is the exact situation in the Lyons case, as is shown by the statement in the first part of this opinion.

depend upon a variety of circumstances: the individual temperament, habits of thrift, care, ability to buy necessaries intelligently, and whether the woman live alone or with her family. To those who practice economy, a given sum will afford comfort, while to those of contrary habit the same sum will be wholly inadequate. The cooperative economies of the family group are not taken into account though they constitute an important consideration in estimating the cost of living, for it is obvious that the individual expense will be less in the case of a member of a family than in the case of one living alone. The relation between earnings and morals is not capable of standardization. It cannot be shown that well paid women safeguard their morals more carefully than those who are poorly paid. Morality rests upon other considerations than wages; and there is, certainly, no such prevalent connection between the two as to justify a broad attempt to adjust the latter with reference to the former. As a means of safeguarding morals the attempted classification, in our opinion, is without reasonable basis. No distinction can be made between women who work for others and those who do not; nor is there ground for distinction between women and men, for, certainly, if women require a minimum wage to preserve their morals men require it to preserve their honesty. For these reasons, and others which might be stated, the inquiry in respect of the necessary cost of living and of the income necessary to preserve health and morals, presents an individual and not a composite question, and must be answered for each individual considered by herself and not by a general formula prescribed by a statutory bureau.

This uncertainty of the statutory standard is demonstrated by a consideration of certain orders of the board already made. These orders fix the sum to be paid to a woman employed in a place where food is served or in a mercantile establishment, at $16.50 per week; in a printing establishment, at $15.50 per week; and in a laundry, at $15 per week, with a provision reducing this to $9 in the case of a beginner. If a woman employed to serve food requires a minimum of $16.50 per week, it is hard to understand how the same woman working in a printing establishment or in a laundry is to get on with an income lessened by from $1 to $7.50 per week. The board probably found it impossible to follow the indefinite standard of the statute, and brought other and different factors into the prob-

lem; and this goes far in the direction of demonstrating the fatal uncertainty of the act, an infirmity which, in our opinion, plainly exists.

The law takes account of the necessities of only one party to the contract. It ignores the necessities of the employer by compelling him to pay not less than a certain sum, not only whether the employee is capable of earning it, but irrespective of the ability of his business to sustain the burden, generously leaving him, of course, the privilege of abandoning his business as an alternative for going on at a loss. Within the limits of the minimum sum, he is precluded, under penalty of fine and imprisonment, from adjusting compensation to the differing merits of his employees. It compels him to pay at least the sum fixed in any event, because the employee needs it, but requires no service of equivalent value from the employee. It therefore undertakes to solve but one-half of the problem. The other half is the establishment of a corresponding standard of efficiency, and this forms no part of the policy of the legislation, although in practice the former half without the latter must lead to ultimate failure, in accordance with the inexorable law that no one can continue indefinitely to take out more than he puts in without ultimately exhausting the supply. The law is not confined to the great and powerful employers but embraces those whose bargaining power may be as weak as that of the employee. It takes no account of periods of stress and business depression, of crippling losses, which may leave the employer himself without adequate means of livelihood. To the extent that the sum fixed exceeds the fair value of the services rendered, it amounts to a compulsory exaction from the employer for the support of a partially indigent person, for whose condition there rests upon him no peculiar responsibility, and therefore, in effect, arbitrarily shifts to his shoulders a burden which, if it belongs to anybody, belongs to society as a whole.

The feature of this statute which, perhaps more than any other, puts upon it the stamp of invalidity is that it exacts from the employer an arbitrary payment for a purpose and upon a basis having no causal connection with his business, or the contract or the work the employee engages to do. The declared basis, as already pointed out, is not the value of the service rendered, but the extraneous circumstance that the employee needs to get a prescribed sum of money to insure her subsistence, health and morals.

The ethical right of every worker, man or woman, to a living wage may be conceded. One of the declared and important purposes of trade organizations is to secure it. And with that principle and with every legitimate effort to realize it in fact, no one can quarrel; but the fallacy of the proposed method of attaining it is that it assumes that every employer is bound at all events to furnish it. The moral requirement implicit in every contract of employment, viz, that the amount to be paid and the service to be rendered shall bear to each other some relation of just equivalence, is completely ignored. The necessities of the employee are alone considered and these arise outside of the employment, are the same when there is no employment, and as great in one occupation as in another. Certainly the employer by paying a fair equivalent for the service rendered, though not sufficient to support the employee, has neither caused nor contributed to her poverty. On the contrary, to the extent of what he pays he has relieved it. In principle, there can be no difference between the case of selling labor and the case of selling goods. If one goes to the butcher, the baker or grocer to buy food, he is morally entitled to obtain the worth of his money but he is not entitled to more. If what he gets is worth what he pays he is not justified in demanding more simply because he needs more; and the shopkeeper, having dealt fairly and honestly in that transaction, is not concerned in any peculiar sense with the question of his customer's necessities. Should a statute undertake to vest in a commission power to determine the quantity of food necessary for individual support and require the shopkeeper, if he sell to the individual at all, to furnish that quantity at not more than a fixed maximum, it would undoubtedly fall before the constitutional test. The fallacy of any argument in support of the validity of such a statute would be quickly exposed. The argument in support of that now being considered is equally fallacious, though the weakness of it may not be so plain. A statute requiring an employer to pay in money, to pay at prescribed and regular intervals, to pay the value of the services rendered, even to pay with fair relation to the extent of the benefit obtained from the service, would be understandable. But a statute which prescribes payment without regard to any of these things and solely with relation to circumstances apart from the contract of employment, the business affected by it and the work done under it, is so clearly the product

of a naked, arbitrary exercise of power that it cannot be allowed to stand under the Constitution of the United States.

We are asked, upon the one hand, to consider the fact that several States have adopted similar statutes, and we are invited, upon the other hand, to give weight to the fact that three times as many States, presumably as well informed and as anxious to promote the health and morals of their people, have refrained from enacting such legislation. We have also been furnished with a large number of printed opinions approving the policy of the minimum wage, and our own reading has disclosed a large number to the contrary. These are all proper enough for the consideration of the lawmaking bodies, since their tendency is to establish the desirability or undesirability of the legislation; but they reflect no legitimate light upon the question of its validity, and that is what we are called upon to decide. The elucidation of that question cannot be aided by counting heads.

It is said that great benefits have resulted from the operation of such statutes, not alone in the District of Columbia but in the several States, where they have been in force. A mass of reports, opinions of special observers and students of the subject, and the like, has been brought before us in support of this statement, all of which we have found interesting but only mildly persuasive. That the earnings of women now are greater than they were formerly and that conditions affecting women have become better in other respects may be conceded, but convincing indications of the logical relation of these desirable changes to the law in question are significantly lacking. They may be, and quite probably are, due to other causes. We cannot close our eyes to the notorious fact that earnings everywhere in all occupations have greatly increased—not alone in States where the minimum wage law obtains but in the country generally—quite as much or more among men as among women and in occupations outside the reach of the law as in those governed by it. No real test of the economic value of the law can be had during periods of maximum employment, when general causes keep wages up to or above the minimum; that will come in periods of depression and struggle for employment when the efficient will be employed at the minimum rate while the less capable may not be employed at all.

Finally, it may be said that if, in the interest of the public welfare, the police power may be invoked to justify the fixing of a minimum wage, it may, when the public welfare is thought to re-

quire it, be invoked to justify a maximum wage. The power to fix high wages connotes, by like course of reasoning, the power to fix low wages. If, in the face of the guaranties of the Fifth Amendment, this form of legislation shall be legally justified, the field for the operation of the police power will have been widened to a great and dangerous degree. If, for example, in the opinion of future lawmakers, wages in the building trades shall become so high as to preclude people of ordinary means from building and owning homes, an authority which sustains the minimum wage will be invoked to support a maximum wage for building laborers and artisans, and the same argument which has been here urged to strip the employer of his constitutional liberty of contract in one direction will be utilized to strip the employee of his constitutional liberty of contract in the opposite direction. A wrong decision does not end with itself: it is a precedent, and, with the swing of sentiment, its bad influence may run from one extremity of the arc to the other.

It has been said that legislation of the kind now under review is required in the interest of social justice, for whose ends freedom of contract may lawfully be subjected to restraint. The liberty of the individual to do as he pleases, even in innocent matters, is not absolute. It must frequently yield to the common good, and the line beyond which the power of interference may not be pressed is neither definite nor unalterable but may be made to move, within limits not well defined, with changing need and circumstance. Any attempt to fix a rigid boundary would be unwise as well as futile. But, nevertheless, there are limits to the power, and when these have been passed, it becomes the plain duty of the courts in the proper exercise of their authority to so declare. To sustain the individual freedom of action contemplated by the Constitution, is not to strike down the common good but to exalt it; for surely the good of society as a whole cannot be better served than by the preservation against arbitrary restraint of the liberties of its constituent members.

It follows from what has been said that the act in question passes the limit prescribed by the Constitution, and, accordingly, the decrees of the court below are

Affirmed.

Mr. Justice BRANDEIS took no part in the consideration or decision of these cases.

SUPREME COURT OF THE UNITED STATES.

Nos. 795 and 796.—October Term, 1922.

Jesse C. Adkins, Ethel M. Smith, John J. Newbold, Constituting the Minimum Wage Board of the District of Columbia, Appellants, 795 *vs.* The Children's Hospital of the District of Columbia.	Appeals from the Court of Appeals of the District of Columbia.
Jesse C. Adkins, Ethel M. Smith, John J. Newbold, Constituting the Minimum Wage Board of the District of Columbia, Appellants, 796 *vs.* Willie A. Lyons.	

[April 9, 1923.]

Mr. Chief Justice Taft, dissenting.

I regret much to differ from the Court in these cases.

The boundary of the police power beyond which its exercise becomes an invasion of the guaranty of liberty under the Fifth and Fourteenth Amendments to the Constitution is not easy to mark. Our Court has been laboriously engaged in pricking out a line in successive cases. We must be careful, it seems to me, to follow that line as well as we can and not to depart from it by suggesting a distinction that is formal rather than real.

Legislatures in limiting freedom of contract between employee and employer by a minimum wage proceed on the assumption that employees, in the class receiving least pay, are not upon a full level of equality of choice with their employer and by their necessitous circumstances are prone to accept pretty much anything that is offered. They are peculiarly subject to the overreaching of the harsh and greedy employer. The evils of the sweating system and of the long hours and low wages which are character-

istic of it are well known. Now, I agree that it is a disputable question in the field of political economy how far a statutory requirement of maximum hours or minimum wages may be a useful remedy for these evils, and whether it may not make the case of the oppressed employee worse than it was before. But it is not the function of this Court to hold congressional acts invalid simply because they are passed to carry out economic views which the Court believes to be unwise or unsound.

Legislatures which adopt a requirement of maximum hours or minimum wages may be presumed to believe that when sweating employers are prevented from paying unduly low wages by positive law they will continue their business, abating that part of their profits, which were wrung from the necessities of their employees, and will concede the better terms required by the law; and that while in individual cases, hardship may result, the restriction will enure to the benefit of the general class of employees in whose interest the law is passed and so to that of the community at large.

The right of the legislature under the Fifth and Fourteenth Amendments to limit the hours of employment on the score of the health of the employee, it seems to me, has been firmly established. As to that, one would think, the line had been pricked out so that it has become a well formulated rule. In *Holden* v. *Hardy*, 169 U. S. 366, it was applied to miners and rested on the unfavorable environment of employment in mining and smelting. In *Lochner* v. *New York*, 198 U. S. 45, it was held that restricting those employed in bakeries to ten hours a day was an arbitrary and invalid interference with the liberty of contract secured by the Fourteenth Amendment. Then followed a number of cases beginning with *Muller* v. *Oregon*, 208 U. S. 412, sustaining the validity of a limit on maximum hours of labor for women to which I shall hereafter allude, and following these cases came *Bunting* v. *Oregon*, 243 U. S. 426. In that case, this Court sustained a law limiting the hours of labor of any person, whether man or woman, working in any mill, factory or manufacturing establishment to ten hours a day with a proviso as to further hours to which I shall hereafter advert. The law covered the whole field of industrial employment and certainly covered the case of persons employed in bakeries. Yet the opinion in the *Bunting* case does not mention the *Lochner*

case. No one can suggest any constitutional distinction between employment in a bakery and one in any other kind of a manufacturing establishment which should make a limit of hours in the one invalid, and the same limit in the other permissible. It is impossible for me to reconcile the *Bunting* case and the *Lochner* case and I have always supposed that the *Lochner* case was thus overruled *sub silentio.* Yet the opinion of the Court herein in support of its conclusion quotes from the opinion in the *Lochner* case as one which has been sometimes distinguished but never overruled. Certainly there was no attempt to distinguish it in the *Bunting* case.

However, the opinion herein does not overrule the *Bunting* case in express terms and therefore I assume that the conclusion in this case rests on the distinction between a minimum of wages and a maximum of hours in the limiting of liberty to contract. I regret to be at variance with the Court as to the substance of this distinction. In absolute freedom of contract the one term is as important as the other, for both enter equally into the consideration given and received, a restriction as to one is not any greater in essence than the other, and is of the same kind. One is the multiplier and the other the multiplicand.

If it be said that long hours of labor have a more direct effect upon the health of the employee than the low wage, there is very respectable authority from close observers, disclosed in the record and in the literature on the subject quoted at length in the briefs that they are equally harmful in this regard. Congress took this view and we can not say it was not warranted in so doing.

With deference to the very able opinion of the Court and my brethren who concur in it, it appears to me to exaggerate the importance of the wage term of the contract of employment as more inviolate than its other terms. Its conclusion seems influenced by the fear that the concession of the power to impose a minimum wage must carry with it a concession of the power to fix a maximum wage. This, I submit, is a *non sequitur.* A line of distinction like the one under discussion in this case is, as the opinion elsewhere admits, a matter of degree and practical experience and not of pure logic. Certainly the wide difference between prescribing a minimum wage and a maximum wage could as a matter of degree and experience be easily affirmed.

Moreover, there are decisions by this Court which have sustained legislative limitations in respect to the wage term in contracts of employment. In *McLean* v. *Arkansas,* 211 U. S. 539, it was held within legislative power to make it unlawful to estimate the graduated pay of miners by weight after screening the coal. In *Knoxville Iron Co.* v. *Harbison,* 183 U. S. 13, it was held that stores orders issued for wages must be redeemable in cash. In *Patterson* v. *Bark Eudora,* 190 U. S. 169, a law forbidding the payment of wages in advance was held valid. A like case is *Strathearn S. S. Company* v. *Dillon,* 252 U. S. 348. While these did not impose a minimum on wages, they did take away from the employee the freedom to agree as to how they should be fixed, in what medium they should be paid, and when they should be paid, all features that might affect the amount or the mode of enjoyment of them. The first two really rested on the advantage the employer had in dealing with the employee. The third was deemed a proper curtailment of a sailor's right of contract in his own interest because of his proneness to squander his wages in port before sailing. In *Bunting* v. *Oregon, supra,* employees in a mill, factory or manufacturing establishment were required if they worked over ten hours a day to accept for the three additional hours permitted not less than fifty per cent. more than their usual wage. This was sustained as a mild penalty imposed on the employer to enforce the limitation as to hours; but it necessarily curtailed the employee's freedom to contract to work for the wages he saw fit to accept during those three hours. I do not feel, therefore, that either on the basis of reason, experience or authority, the boundary of the police power should be drawn to include maximum hours and exclude a minimum wage.

Without, however, expressing an opinion that a minimum wage limitation can be enacted for adult men, it is enough to say that the case before us involves only the application of the minimum wage to women. If I am right in thinking that the legislature can find as much support in experience for the view that a sweating wage has as great and as direct a tendency to bring about an injury to the health and morals of workers, as for the view that long hours injure their health, then I respectfully submit that *Muller* v. *Oregon,* 208 U. S. 412, controls this case. The

law which was there sustained forbade the employment of any female in any mechanical establishment or factory or laundry for more than ten hours. This covered a pretty wide field in women's work and it would not seem that any sound distinction between that case and this can be built up on the fact that the law before us applies to all occupations of women with power in the board to make certain exceptions. Mr. Justice Brewer, who spoke for the Court in *Muller* v. *Oregon*, based its conclusion on the natural limit to women's physical strength and the likelihood that long hours would therefore injure her health and we have had since a series of cases which may be said to have established a rule of decision. *Riley* v. *Massachusetts*, 232 U. S. 671; *Miller* v. *Wilson*, 236 U. S. 373; *Bosley* v. *McLaughlin*, 236 U. S. 385. The cases covered restrictions in wide and varying fields of employment and in the later cases it will be found that the objection to the particular law was based not on the ground that it had general application but because it left out some employments.

I am not sure from a reading of the opinion whether the Court thinks the authority of *Muller* v. *Oregon* is shaken by the adoption of the Nineteenth Amendment. The Nineteenth Amendment did not change the physical strength or limitations of women upon which the decision in *Muller* v. *Oregon* rests. The Amendment did give women political power and makes more certain that legislative provisions for their protection will be in accord with their interests as they see them. But I don't think we are warranted in varying constitutional construction based on physical differences between men and women, because of the Amendment.

But for my inability to agree with some general observations in the forcible opinion of Mr. Justice Holmes who follows me, I should be silent and merely record my concurrence in what he says. It is perhaps wiser for me, however, in a case of this importance separately to give my reasons for dissenting.

I am authorized to say that Mr. Justice SANFORD concurs in this opinion.

SUPREME COURT OF THE UNITED STATES.

Nos. 795 and 796.—October Term, 1922.

Jesse C. Adkins, Ethel M. Smith, John J. Newbold, Constituting the Minimum Wage Board of the District of Columbia, Appellants,
795 *vs.*
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796 *vs.*
Willie A. Lyons.

Appeals from the Court of Appeals of the District of Columbia.

[April 9, 1923.]

Mr. Justice Holmes, dissenting.

The question in this case is the broad one, Whether Congress can establish minimum rates of wages for women in the District of Columbia with due provision for special circumstances, or whether we must say that Congress has no power to meddle with the matter at all. To me, notwithstanding the deference due to the prevailing judgment of the Court, the power of Congress seems absolutely free from doubt. The end, to remove conditions leading to ill health, immorality and the deterioration of the race, no one would deny to be within the scope of constitutional legislation. The means are means that have the approval of Congress, of many States, and of those governments from which we have learned our greatest lessons. When so many intelligent persons, who have studied the matter more than any of us can, have thought that the means are effective and are worth the price it seems to me impossible to deny that the belief reasonably may be held by reasonable men. If the law encountered no other objection than that the means bore

no relation to the end or that they cost too much I do not suppose that anyone would venture to say that it was bad. I agree, of course, that a law answering the foregoing requirements might be invalidated by specific provisions of the Constitution. For instance it might take private property without just compensation. But in the present instance the only objection that can be urged is found within the vague contours of the Fifth Amendment, prohibiting the depriving any person of liberty or property without due process of law. To that I turn.

The earlier decisions upon the same words in the Fourteenth Amendment began within our memory and went no farther than an unpretentious assertion of the liberty to follow the ordinary callings. Later that innocuous generality was expanded into the dogma, Liberty of Contract. Contract is not specially mentioned in the text that we have to construe. It is merely an example of doing what you want to do, embodied in the word liberty. But pretty much all law consists in forbidding men to do some things that they want to do, and contract is no more exempt from law than other acts. Without enumerating all the restrictive laws that have been upheld I will mention a few that seem to me to have interfered with liberty of contract quite as seriously and directly as the one before us. Usury laws prohibit contracts by which a man receives more than so much interest for the money that he lends. Statutes of frauds restrict many contracts to certain forms. Some Sunday laws prohibit practically all contracts during one-seventh of our whole life. Insurance rates may be regulated. *German Alliance Ins. Co.* v. *Kansas*, 233 U. S. 389. (I concurred in that decision without regard to the public interest with which insurance was said to be clothed. It seemed to me that the principle was general.) Contracts may be forced upon the companies. *National Union Fire Ins. Co.* v. *Wanberg*, November 13, 1922. Employers of miners may be required to pay for coal by weight before screening. *McLean* v. *Arkansas*, 211 U. S. 539. Employers generally may be required to redeem in cash store orders accepted by their employees in payment. *Knoxville Iron Co.* v. *Harrison*, 183 U. S. 13. Payment of sailors in advance may be forbidden. *Patterson* v. *Bark Eudora*, 190 U. S. 169. The size of a loaf of bread may be established. *Schmidinger* v. *Chicago*, 226 U. S. 578. The responsibility of employers to their employees may be profoundly modified. *New York*

Central R. R. Co. v. *White*, 243 U. S. 188. *Arizona Employers' Liability Cases*, 250 U. S. 400. Finally women's hours of labor may be fixed; *Muller* v. *Oregon*, 208 U. S. 412; *Riley* v. *Massachusetts*, 232 U. S. 671, 679; *Hawley* v. *Walker*, 232 U. S. 718; *Miller* v. *Wilson*, 236 U. S. 373; *Bosley* v. *McLaughlin*, 236 U. S. 385; and the principle was extended to men with the allowance of a limited overtime to be paid for 'at the rate of time and one-half of the regular wage,' in *Bunting* v. *Oregon*, 243 U. S. 426.

I confess that I do not understand the principle on which the power to fix a minimum for the wages of women can be denied by those who admit the power to fix a maximum for their hours of work. I fully assent to the proposition that here as elsewhere the distinctions of the law are distinctions of degree, but I perceive no difference in the kind or degree of interference with liberty, the only matter with which we have any concern, between the one case and the other. The bargain is equally affected whichever half you regulate. *Muller* v. *Oregon*, I take it, is as good law today as it was in 1908. It will need more than the Nineteenth Amendment to convince me that there are no differences between men and women, or that legislation cannot take those differences into account. I should not hesitate to take them into account if I thought it necessary to sustain this Act. *Quong Wing* v. *Kirkendall*, 223 U. S. 59, 63. But after *Bunting* v. *Oregon*, 243 U. S. 426, I had supposed that it was not necessary, and that *Lochner* v. *New York*, 198 U. S. 45, would be allowed a deserved repose.

This statute does not compel anybody to pay anything. It simply forbids employment at rates below those fixed as the minimum requirement of health and right living. It is safe to assume that women will not be employed at even the lowest wages allowed unless they earn them, or unless the employer's business can sustain the burden. In short the law in its character and operation is like hundreds of so-called police laws that have been upheld. I see no greater objection to using a Board to apply the standard fixed by the Act than there is to the other commissions with which we have become familiar, or than there is to the requirement of a license in other cases. The fact that the statute warrants classification, which like all classifications may bear hard upon some individuals, or in exceptional cases, notwithstanding the power given to the Board to issue a special license, is no greater infirmity than

is incident to all law. But the ground on which the law is held to fail is fundamental and therefore it is unnecessary to consider matters of detail.

The criterion of constitutionality is not whether we believe the law to be for the public good. We certainly cannot be prepared to deny that a reasonable man reasonably might have that belief in view of the legislation of Great Britain, Victoria and a number of the States of this Union. The belief is fortified by a very remarkable collection of documents submitted on behalf of the appellants, material here, I conceive, only as showing that the belief reasonably may be held. In Australia the power to fix a minimum for wages in the case of industrial disputes extending beyond the limits of any one State was given to a Court, and its President wrote a most interesting account of its operation. 29 Harv. Law Rev. 13. If a legislature should adopt what he thinks the doctrine of modern economists of all schools, that 'freedom of contract is a misnomer as applied to a contract between an employer and an ordinary individual employee', *ibid.* 25, I could not pronounce an opinion with which I agree impossible to be entertained by reasonable men. If the same legislature should accept his further opinion that industrial peace was best attained by the device of a Court having the above powers, I should not feel myself able to contradict it, or to deny that the end justified restrictive legislation quite as adequately as beliefs concerning Sunday or exploded theories about usury. I should have my doubts, as I have them about this statute—but they would be whether the bill that has to be paid for every gain, although hidden as interstitial detriments, was not greater than the gain was worth: a matter that it is not for me to decide.

I am of opinion that the statute is valid and that the decree should be reversed.